



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2019

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.R.C.(MD)No.383 of 2019

J.Vishvanathan

... Petitioner

Vs.

State rep by

The Inspector of Police,

Thanjavur Vigilance and Anti Corruption Wing,

Thanjavur.

... Respondent

Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, to call for the records relating to order dated 03.11.2018 in Cr.M.P.No.1505 of 2018 passed by the learned Chief Judicial Magistrate, Thanjavur @ Kumbakonam and reverse the same in consequence thereof direct the learned Chief Judicial Magistrate, Kumbakonam to return the documents to the petitioner as prayed for by him.

For Petitioner : Mr.P.Ganapathi Subramanian

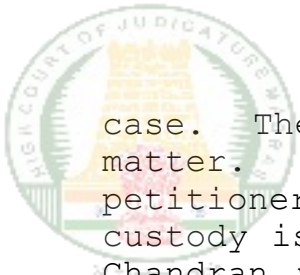
For Respondent : Mr.A.Robinson

Government Advocate (Cr1. Side)

O R D E R

The petitioner's friend namely., Anthony @ Anthonysamy is the defacto complainant in Crime No.7 of 2018 on the file of the Inspector of Police, Vigilance and Anticorruption Wing, Thanjavur. The sole accused is Jothiramalingam, Inspector of Police, West Police Police Station, Thanjavur. The case of the defacto complainant is that he had availed loan assistance from one Chandran. He had deposited certain title documents belonging to the petitioner herein namely., Vishvanathan with the said Chandran. According to the defacto complainant, he had settled the claims of Chandran. But then, the documents have not been returned. But then, the accused in this case namely., Jothiramalingam had obtained the documents from Chandran and he was retaining with himself. Now the documents have been seized from the accused and are now in the custody of the Court. To get them back, the petitioner/Vishvanathan filed Cr.M.P.No.1505 of 2018. The same was dismissed by the Court below on the ground that retention of documents are necessary for the purpose of the case. Questioning the said dismissal, this criminal revision case has been filed.

<https://hcservices.ecourts.gov.in/hcservices/> 2. I have to necessarily observe that the reason given in the impugned order of dismissal is patently incorrect. Retention of the original is absolutely unnecessary for getting along with the



case. The Court below can take photocopies and get along with the matter. Therefore, I find force in the submission of the petitioner's counsel that retention of the documents in Court custody is not necessary. But then, in the very nature of things, Chandran will have to be made as a party to the proceedings for return of the documents. No decision can be taken behind the back of Chandran. This is because the documents were entrusted with Chandran for taking loan. Therefore, even while dismissing this criminal revision case, this Court permits the petitioner to file one more application before the Court below. In the said application, the petitioner will make the defacto complainant/Anthony @ Anthonysamy as well as Chandran as parties. After hearing these three, the learned Trial Magistrate will dispose of the application one way or the other.

3. With this observation and liberty, this criminal revision case is dismissed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To:

1. The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.

2. The Inspector of Police,
Thanjavur Vigilance and
Anti Corruption Wing,
Thanjavur.

+1CC TO MR.P.GANAPATHI SUBRAMANIAN, Advocate Sr. No. 72340

Cr1.R.C. (MD) No.383 of 2019
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MT(CO)

TR (08.07.2019) 2P 4C