



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.477 of 2020

Muniswaran : Petitioner/Petitioner
/Accused

Vs.

The Sub Inspector of Police,
Bodinayakanur Town Police Station,
Bodinayakanur.
(Crime No.245 of 2020) : Respondent/Respondent
/Complainant

Prayer : This Revision Case is filed under Section 397 and Section 401 of Cr.P.C., to release the identity card issued by the Indian Army produced in RPR No.41 of 2020, in Judicial Magistrate Court, Bodinayakanur and set aside the order in Criminal M.P.No.1577 of 2020, dated 13.08.2020 in favour of the petitioner.

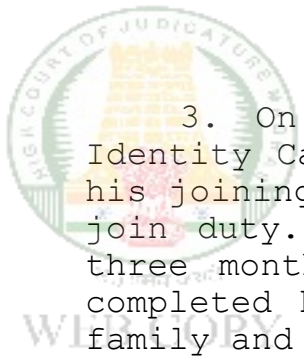
For Petitioner : Mr.H.Velavadhas

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

ORDER

This revision has been filed to release the identity card issued by the Indian Army produced in RPR No.41 of 2020, in Judicial Magistrate, Bodinayakanur and set aside the order in Criminal M.P.No.1577 of 2020, dated 13.08.2020 in favour of the petitioner.

2. An Military identity Card ID No.1611341411 was seized by the Bodinayakanur Town Police Station, in Crime No.245 of 2020, under Section 174 Cr.P.C. (suspicious death) @ Sections 149, 498 (A), 302 I.P.C. @ Sections 149, 498(A), 342, 302, 201 I.P.C, the petitioner filed a petition to return the ID card in Criminal M.P.No.1577 of 2020, before the Judicial Magistrate, Bodinayakanur and the learned Magistrate dismissed the petition. Against the order of dismissal, the petitioner preferred this Revision.



3. On the side of the petitioner, it is stated that the Identity Card has to be submitted by the petitioner at the time of his joining duty. Without the Identity Card, the petitioner can not join duty. The date of occurrence was on 13.03.2020 and already three months time was over and the investigation might have been completed by that time. The petitioner has to take care of his family and hence, prayed the Identity Card to be returned.

4. On the side of the prosecution, it is stated that the Identity Card was seized by the police from the occurrence place and the I.D card is relevant to prove the case of the prosecution. The case was pending investigation and the brother of the petitioner is still absconding. The petitioner is the prime accused in the case. If the property viz., ID card is returned to the petitioner, he will tamper the witness and there is every possibility that he will escape from the clutches of law and prayed the petition to be dismissed with costs.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. A perusal of the records reveals that the petitioner is the prime accused in the case and the I.D card was seized by the police from the place of occurrence and the I.D. card is necessary to prove the case of the prosecution. But, the prosecution has admitted that the I.D card was not sent for any chemical examination.

7. In the above circumstances, to enable the petitioner to join Military, this Court is inclined to return the I.D card to the petitioner for interim custody. Accordingly, this Criminal Revision Case is allowed and the order, dated 13.08.2020, in Criminal M.P.No.1577 of 2020, is set aside and the property/I.D. card is ordered to be returned to the petitioner for interim custody on the following conditions:

(i) The petitioner has to replace the original I.D. card with his self attested colour Xerox copy.

(ii) The petitioner has to file an affidavit that he will not dispute the certified copy of the I.D. card during the time of trial.

(iii) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.245 of 2020 on the file of the learned Judicial Magistrate, Bodinayakanur, within a period of four weeks from the date of receipt of a copy of this order along with a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties for a like sum;



(iv)The petitioner shall produce the original I.D. card before the Court and before the respondent as and when required, by the Court and by the respondent.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Judicial Magistrate,
Bodinayakanur
2. The Sub Inspector of Police,
Bodinayakanur Town Police Station,
Bodinayakanur
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.477 of 2020
09.09.2020

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