



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 16.12.2020

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.661 of 2020

and

CrI.M.P.(MD)No.6631 of 2020

N.Santhakumar

.. Petitioner /Sole Accused

Vs.

The State rep. by,
The Inspector of Police,
Temple Police Station,
Rameshwaram,
Ramanathapuram District.
(Crime No.100 of 2020)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to call for the records and to pass an order to revise the order of the learned District Munsif cum Judicial Magistrate, Rameshwaram, Ramanathapuram District dated 05.11.2020 made in CrI.M.P.No.1158 of 2020 in connection with Crime No.100 of 2020 on the file of the Inspector of Police, Temple Police Station, Rameshwaram, Ramanathapuram District.

For Petitioner	: Mr.J.Sankara Pandian
For Respondent	: Mrs.S.Bharathi
	Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.1158 of 2020 dated 05.11.2020, on the file of the learned District Munsif cum Judicial Magistrate, Rameshwaram, Ramanathapuram, for return of the case properties to the petitioner.

2.The petitioner claims to be the owner of the drone camera, which was seized by the respondent Police in Crime No.100 of 2020 for an offence under Sections 188, 287 and 336 of IPC, has filed a petition in Cr.M.P.No.1158 of 2020 before the learned District Munsif cum Judicial Magistrate, Rameshwaram, Ramanathapuram District for return of the properties. That petition was dismissed by the trial Court. Against which, the petitioner has preferred this



revision case.

3. On the side of the petitioner, it is stated that the petitioner was using the camera for taking photographs during a marriage function. The petitioner is not aware of the provision of law. The storage in the camera is sufficient for the case. Instead of retaining only the storage, the entire camera was seized by the respondent police. The camera was kept idle in the Court custody. The petitioner is suffering for his livelihood without the camera and prayed the properties to be returned to the petitioner.

4. On the side of the respondent, it is stated that the petitioner has been illegally carrying out the photoshoot for his personal gain within 200m distance from the Rameshwaram temple without any license or prior permission. The petitioner is A1 in the case. The drone camera was found near the East tower of the Rameshwaram temple and near the outer streets of the temple and was used from hotel namely Island star at Rameshwaram. The case properties are now sent to Lab for test and the report was not yet received by the Court.

5. It is seen that the petition filed by the petitioner for return of case properties before the trial Court was dismissed on the ground that steps are to be taken by the SHO for sending the case properties for examination. Now it is stated that the case properties were sent for examination and the report is yet to be received and the investigation is still pending. Hence, this Court is not inclined to return the case properties to the petitioner at the present stage.

6. In view of the above, this Criminal Revision Case is dismissed and the order passed in Cr.M.P.No.1158 of 2020 dated 05.11.2020, on the file of the learned District Munsif cum Judicial Magistrate, Rameshwaram, Ramanathapuram District is confirmed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

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.

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To

1.The District Musnif cum Judicial Magistrate,
Rameshwaram, Ramanathapuram District.

2.The Inspector of Police,
Temple Police Station,
Rameshwaram,
Ramanathapuram District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.661 of 2020

16.12.2020

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TR(07.01.2021) 3P 4C