

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.68 of 2021

1. S.Munir Basha
S/o.Sulthan Basha

2. S.Mohamed Aijaz
S/o.Saliya petitioners

...vs...

State Rep. by
The Inspector of Police
P-1, Puliyanthope Police Station
Chennai-12. Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to call for the records and set aside the order dated 10.12.2020 in M.P.No.14356 of 2020 in Crime No.785 of 2020 and to revise the same.

For petitioners : Mr.A.Syed Kalesha

For Respondent : Mr.K.Madhan
Government Advocate (Crl. Side)

O R D E R

This Criminal Revision has been filed to set aside the order dated 10.12.2020 in Crl.M.P.No.14356 of 2020 on the file of the X Metropolitan Magistrate Court, Egmore, Chennai.

2. The petitioners gave a complaint before the respondent police and a case in Crime No.785 of 2020 was registered. During enquiry, an amount of Rs.39 Lakhs was recovered from the accused. The petitioners have filed a petition in Crl.MP.No.904 of 2020 before the X Metropolitan Magistrate, Egmore, seeking to return the said amount of Rs.39 Lakhs. The learned Magistrate passed an order on 27.07.2020 with certain conditions, one of which is that the petitioners shall furnish security for the said sum of Rs.39,00,000/- by way of depositing original title deed of any immovable property worth

Rs.39,00,000/- either in their name or in the name of their relatives. Therefore, the petitioners complied with the said condition and got the recovered money. Thereafter, the petitioners filed another application in CrI.MP.No.14356 of 2020 in CrI.MP.No.904 of 2020 seeking to return the documents, which has been produced before the X Metropolitan Magistrate, Egmore as security. The learned Magistrate by an order dated 10.12.2020 directed the petitioners to substitute the property document worth about Rs.39 Lakhs before the Court and get back the documents already deposited with the Court. Aggrieved over the said order, the petitioners are before this Court with the present petition.

3. The learned counsel for petitioners would submit that the amount of Rs.39 Lakhs belonged to association and that the petitioners are individual persons. The learned counsel would submit that the petitioners are not having any other documents worth about Rs.39 Lakhs to substitute the documents already deposited as security with the Court.

4. The learned Government Advocate (Criminal Side) would submit that the investigation has not been completed and charge sheet is yet to be filed. He would further submit that without any security the said documents cannot be returned to the petitioners.

5. Heard both sides and perused the materials placed before this Court.

6. Admittedly, during enquiry, Rs.39 Lakhs has been recovered from the accused. Thereafter, the petitioners filed a petition before the X Metropolitan Magistrate Court, Egmore, seeking to return the said Rs.39 Lakhs. The learned Magistrate by an order dated 27.07.2020 directed the petitioners to produce some documents worth about Rs.39 Lakhs as security and got the recovered amount. The petitioners produced some documents and got that amount. Thereafter, the petitioners filed another application seeking to return the documents which are produced before the Court as security. The learned Magistrate by an order dated 10.12.2020 directed the petitioners to substitute a property document worth Rs.39 Lakhs with the Court and get back the available documents with the Court. It is seen that the investigation has not been completed and charge sheet is yet to be filed. Since the investigation is pending, unless by submitting another document worth Rs.39 Lakhs, the deposited documents cannot be returned.

7. In the considered view of this Court, it is the discretionary power of the Court to return the documents during pendency of the case. The learned Magistrate, by exercising his power, ordered to return the document by substituting another document worth about Rs.39 Lakhs. Therefore, this Court does not find any illegality or

infirmity in the order passed by the learned Magistrate.
Hence, this Court is not inclined to entertain this petition.
Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Inspector of Police,
P-1, Puliyanthope Police Station
Chennai-12.
2. The Public Prosecutor,
Highcourt,
Madras.

+1cc to Mr.A. Syed Kakesha, Advocate, S.R.No.7393

RP(CO)
SM/08/03/2021

Crl.R.C.No.68 of 2021

सत्यमेव जयते

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