



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

Crl.R.C.No.222 of 2021

The State : rep. by
Inspector of Police,
CBI, ACB : Chennai

...Petitioner

Vs

1.Shri V. Karunachalapandian
2.P. Sathya Harinath (deceased)

...Respondents

Criminal revision Petition is filed under Section 397 & 401 of Cr.P.C. to call for the records and set aside the impugned order passed by the Principal Special Judge for CBI cases, Chennai, in Crl.M.P.No.10745 of 2019 daed 29.01.2020.

For petitioner ... Mr K. Srinivasan,
Special Public Prosecutor

ORDER

Against the order of returning the documents to the first respondent passed in Crl.M.P.No.10745 of 2019, dated 29.01.2020, the present petition has been filed.

2. The 2nd respondent herein was the public servant, who has been charged for an offence under Sections 5(2) r/w. 5(1)(e) of Prevention of Corruption Act. During the search, some documents were seized from his house, which belongs to some third parties. Subsequently, the case was ended in acquittal. Thereafter, the legal heir of the document holder/third party filed a petition in Crl.M.P.No.10745 of 2019 before the Trial Court to return four documents, namely, Ex.P.63, Ex.P.64, Ex.P.65 & Ex.P.66 and the Trial Court, by an order dated 29.01.2020, allowed the same. Now, challenging the same, the CBI has filed the present revision.



3. Mr. K.Srinivasan, learned Special Public Prosecutor for CBI Cases, would submit that even though the 2nd respondent/accused was acquitted from the charges, the documents, which sought to be returned by the first respondent/Karunachalapandian, were seized from the house of the 2nd respondent/accused and hence, without his consent, the documents cannot be released to the first respondent. However, the Trial Court without hearing the parties have mechanically allowed the petition and returned the documents, Ex.P.63 to Ex.P.66 to the first respondent.

4. This Court considered the submissions made by the learned Special Public Prosecutor appearing for the petitioner and perused the records carefully.

5. From the perusal of the records, it is seen that the documents sought to be returned are belongs to the father of the first respondent, which has been seized from the accused during the investigation and the same had also been marked as evidence, i.e., Ex.P.63 to Ex.P.66 before the Trial Court. Admittedly, the accused was acquitted from the charges. Now, the document holder seeks to return the document, for which, CBI can not have no objection, in absence of any other rival claim. It is also stated that there is no claim from the accused side.

6. In the above circumstances, this Court finds no error in the order passed by the Trial Court and there is no need to interfere with the same. Hence, this Criminal Revision Case is liable to be dismissed.

7. Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mrp

To

1.The Principal Special Judge for CBI cases,
Chennai.

2.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Chennai 600 035.



3.The Special Public Prosecutor,
High Court, Madras (CBI)

+1cc to Mr.K.Srinivasan, Advocate SR. No.63051

WEB COPY

Cr1.R.C.No.222 of 2021

BR (CO)
PR (16/12/2021)