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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.11301 OF 2021

L.Melvin John

... Petitioner

Vs.

1. The Superintendent of Police,
Villupuram Distirct.
2. The Inspector of Police,
District Crime Branch,
Villupuram District.
3. The Sub Inspector of Police,
District Crime Branch,
Villupuram District.

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure for direction to the second and third respondent to return the petitioner's Redmi Note.7 Pro model mobile phone immediately to the petitioner.

For petitioner : Mr.K.V.Muthu Visakan

For Respondents : Mr.A.Damodaran,
Gov. Advocate (Crl. Side)

ORDER

This petition has been filed for direction to the second and third respondent to return the petitioner's Redmi Note.7 Pro model mobile phone immediately to the petitioner.

2. The contention of the petitioner is that earlier, he had filed a petition in Crl.O.P.No.17039 of 2020 against the third respondent seeking not to harass him. As a counter blast, the second and third respondents have illegally kept the petitioner's mobile phone worth Rs.15,955/- and refused to



return the same and further they neither seized the phone nor produced before the concerned Magistrate, as per the provisions of the Criminal Rules of Practice.

3. The petitioner further contended that his sister Mrs. Jessie Pramila was working as a teacher in Sacred Heart Central School, Villupuram and since she had some difference of opinion with her Principal with regard to the preparation of setting of question papers, she was compelled to resign her job. He came to understand that a complaint was preferred by the Correspondent of the School for the defamatory mails against unknown persons, in which neither his name or his sister's name was mentioned and the case was registered in FIR No.28/2020 under Section 500, 501 of IPC and Section 66A, 67 of IT Act by the third respondent. However, the third respondent harassed the petitioner under the guise of enquiry in the above said case and also refused to give acknowledgement for the seizure of his mobile phone. Hence the petitioner had filed the above said CrI.O.P.No.17039 of 2020 against the third respondent seeking not to harass him. Further, as directed by this court vide order dated 11.11.2020, he appeared before the third respondent police for enquiry. However, they retained his mobile phone and refused to handover the same to him. Hence, the present petition.

4. The learned Government Advocate (CrI. Side) has produced a letter dated 27.01.2021 sent by the Inspector of Police, District Crime Branch, Villupuram to the Judicial Magistrate,-I, Villupuram stating that the petitioner's mobile phone Redmi Note 7 Pro has been seized in Crime No.28/2020 and requested to mark the same as a case property. He further submitted that due to the pandemic situation and also due to the restrictions, the property was unable to be produced before the court and it is yet to be numbered as case property.

5. From the above said letter, it is seen that a letter alone has been submitted before the concerned Magistrate and the acknowledgement seal dated 28.04.2021 is available in that letter. However, the property is yet to be submitted. In any event, the seizure of the petitioner's mobile phone has been intimated to the Judicial Magistrate-I, Villupuram. In view of the same, the petitioner, now to file a petition under section 451 and 457 of the Cr.P.C. seeking return of property.

6. Accordingly, the petitioner is directed to file a petition under Section 451 and 457 of Cr.P.C. before the Judicial Magistrate-I, Villupuram for return of property and on such application being filed by the petitioner, the Judicial Magistrate-I, Villupuram is directed to dispose the petitioner's petition as early as possible, in accordance with law.



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7. With the above observation, this petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mst

To

1. The Judicial Magistrate-I, Villupuram.
2. The Chief Judicial Magistrate,
Villupuram
3. The Superintendent of Police,
Villupuram District.
4. The Inspector of Police,
District Crime Branch,
Villupuram District.
5. The Sub Inspector of Police,
District Crime Branch,
Villupuram District.
6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.V.Muthu Visakan, Advocate, S.R.No.31824

CRL.O.P.NO.11301 OF 2021

UM(CO)
PBS (28/07/2021)