



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CRL.RC.NOS.545 and 546 of 2021

Serlin Esther ...Petitioner in Crl.RC.No.545 of 2021

Immanuel Praveen ...Petitioner in Crl.RC.No.546 of 2021

Vs

State: Represented

The Inspector of Police,

Annur Police Station

In Crime No.213/2021

...Respondent in both Crl.RCs.

Prayer in Crl.RC.No.545 of 2021: Criminal Revision is filed under Section 397 read with 401 of Code of Criminal Procedure praying to set aside the order of dismissal passed by the Hon'ble Principal District & Session Judge at Coimbatore in Crl.MP.No.2421 of 2021 by order dated 06.07.2021 and allowed this Criminal Revision Petition for released the petitioner Mobile Phone Model: REDMI NOTE 8, NEPTUNE BLUE, 4GB RAM, 64 GB STORAGE, B07X1KT6LD, IMEI1; 868269048070793, IMEI2.

Prayer in Crl.RC.No.546 of 2021: Criminal Revision is filed under Section 397 read with 401 of Code of Criminal Procedure praying to set aside the order of dismissal passed by the Hon'ble Principal District & Session Judge at Coimbatore in Crl.MP.No.2419 of 2021 by order dated 06.07.2021 and allowed this Criminal Revision Petition for released the petitioner TWO WHEELER VEHICLE MODEL: HONDA ACTIVA 3G BS III, GREY COLOUR, VEHICLE No. TN40L8970, CHASSIS No. ME4JF505CGT175023, ENGINE No: JF50ET3175345.

In Both Crl.RCs.;

For Petitioners : M/S.M.Ravindhar

For Respondent : Mr.S.Sugendran
Government Advocate(Crl.Side)



COMMON ORDER

(The case has been heard through video conference)

The Criminal Revision petitions have been filed against the orders of dismissal passed by the learned Principal District & Session Judge, Coimbatore in Crl.MP.No.2421 of 2021 and Crl.MP.No.2419 of 2021 dated 06.07.2021.

2. The Respondent police registered the case in Crime No.213 of 2021 against the the petitioner in Crl.RC.No.546 of 2021 and one Boobaln for the offence under Section 7, 20(2) of Cigarette and Other Tobacco Products Act 2003 (COPTA Act) R/W Section 273 and 328 of IPC. During the course of investigation, the respondent police seized a cell phone (Model: REDMI NOTE 8, NEPTUNE BLUE, 4GB RAM, 64 GB STORAGE, BO7X1KT6LD, IMEI1; 868269048070793, IMEI2) and a two wheeler (Model: Honda Activa 3G BS III, Grey colour, Vehicle No.TN40L8970, Chassis No. ME4JF505CGT175023, Engine No: JF50ET3175345) along with the Tobacco products alleged to have been transported illegally by the accused persons. During pendency of investigation, the petitioners who are the owners of the said cell phone and two wheeler had approached the learned Principal District & Session Judge, Coimbatore by filing petitions in Crl.MP.No.2421 of 2021 and Crl.M.P.No.2419 of 2021 under Section 451 read with 457 Cr.P.C. for return of properties and the learned Principal District & Session Judge, dismissed the petitions by orders dated 06.07.2021. Challenging the said orders of dismissal, the petitioners have filed the present revision before this Court.

3. The learned Counsel for the petitioners would submit that the petitioners are the owners of the said cell phone and two wheeler and they are no way connected with the alleged offence. Whereas, the learned Magistrate without considering the fact simply dismissed the petitions filed by the petitioners for the reason that the investigation is not completed. He would submit that the petitioners are seeking only interim custody of the properties and they are ready to produce the same as and when required by the authorities concerned.

4.The learned Government Advocate (Crl. Side) would submit that the charge sheet is not yet filed.

5.Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl. Side) and perused the materials on records.

6. During pendency of investigation, return of property under Section 451 is purely a discretionary power of the Courts below and this Court does not find any arbitrariness or



malafidness in the order of dismissal passed by the Court below. Therefore, this Court is not inclined to allow these revision petitions. Accordingly, the Criminal Revision Cases are dismissed.

WEB COPY

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ksa2/dsn

To

1. The Principal District & Session Judge
Coimbatore
2. The Inspector of Police,
Annur Police Station.
3. The Public Prosecutor,
High Court, Madras.

+1CC to Mr.Ravindhar, Advocate, Sr.No.49352

+1CC to Mr.M.Ravindhar, Advocate, Sr.No.49353

CRL.RC.Nos.545 and 546 of 2021

PM (CO)

K.RK. (25.10.2021)