

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1238 of 2020 and
Crl.M.P.No.7934 of 2020

T.Sindhukanmani

... Petitioner

Vs.

The State of Tamil Nadu
Rep. by its Inspector of Police,
AWPS, Perambalur,
Perambalur District.
(Crime No.09 of 2019)

... Respondent

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C. against the order passed in Crl.M.P.No.2878 of 2019 in Crime No.09 of 019 dated 27.08.2019 on the file of Additional Mahila Court, Perambalur.

For Petitioner :Mr.R.Rajeshkrishnan

For Respondent :Mr.R.Suryaprakash
Government Advocate

O R D E R

This Criminal Revision has been filed challenging the order dated 27.08.2019 passed in Crl.M.P.No.2878 of 2019 in Crime No.09 of 019 on the file of Additional Mahila Court, Perambalur.

2. Initially a case was registered by the respondent police in Crime No.9 of 2019 for the offences punishable under Sections 354, 506 (i) of I.P.C. and Section 67 of the Information Technology Act, 2000 and the investigation is pending. During investigation, the Investigating Officer seized the cell phone from the petitioner. Pending investigation, the petitioner filed a petition in Crl.M.P.No.2878 of 2017 before the Additional Mahila Court, Perambalur under Section 451 of Cr.P.C. for return of property and that petition was dismissed by the learned Judicial Magistrate. Aggrieved over the same, the petitioner is before this Court by way of this revision.

3. The learned counsel for the petitioner would submit that a false case has been foisted against him and a cell phone belonging to him was seized during investigation and it is very much necessary for him for day to day affairs and hence prays that pending investigation, respondent police may be directed to return the cell phone to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the investigation is in preliminary stage and the cell phone which was seized from the petitioner is a vital document which has to be send for further expert opinion and if the cell phone is returned, there is possibility of tampering the evidence and prays for the dismissal of this revision.

5. Heard both sides. Perused the materials available on record.

6. Admittedly a case has been registered against the petitioner by the respondent police in Cr.No.9 of 2019 for the aforesaid offences and investigation is still pending and charge sheet has not been filed and further subject property/Cell phone is alleged to have been involved in the crime. Therefore under these circumstances during the pendency of investigation, release of the properties is purely discretionary power of the Court.

7. Considering the nature of offence and the stage of investigation, this Court is not inclined to release the vehicle. This Court finds that there is no infirmity of illegality in the order passed by the Court below. Hence, this Criminal Revision is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

The Additional Mahila Court, Perambalur.

+1cc to Mr.A.Ilayaperumal, Advocate Sr.2554

Crl.RC.No.1238 of 2020

ss[co]
srg 22/02/2021