



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.No.642 of 2021

Babusingh,
S/o, Palavanthasingh

... Petitioner/Petitioner/Accused
No.2 & Owner of Cigarette

Versus

The State rep. By
The Inspector of Police,
Kolathur Police Station,
Salem District.

... Respondent/Respondent/Complainant

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records in Crl.M.P.No.1216 of 2021 on the file of the Judicial Magistrate No.1, Mettur dated 15.04.2021 and set aside the same subsequently, return of 134M(Quantity) 13400 WAVE cigarettes.

For Petitioner : Mr.M.Mariappan

For Respondent : Mr,M.Sugendran
Government Advocate,
(Criminal Side)

ORDER

This Criminal Revision Petition has been filed to call for the records and to set aside the order dated 15.04.2021 passed in in Crl.M.P.No.1216 of 2021 on the file of the Judicial Magistrate No.1, Mettur.

2. The respondent police registered a case against the petitioner and others in Crime No.554 of 2020 for the offence under section 7 and 20(1) of CAOTP Act 2003 and seized 134 M (quantity) 13400 Wave cigarettes. The petitioner is arrayed as A2 and he is the owner of the property. During investigation, the petitioner has filed the petition under section 451 Cr.P.C



for the return of property, before the Judicial Magistrate No.1, Mettur. The learned Judicial Magistrate has dismissed the petition. Challenging the same, the petitioner has filed the present Revision Petition before this Court.

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3. Learned Government Advocate (Criminal Side) appearing for the respondent would submit that while seizing the property/cigarettes, the petitioner has not produced any valid document to possess such items, though the said items are not prohibited one. Since, the petitioner having large quantity, he has to produce necessary documents for possessing the abovesaid items. He would further submit that the investigation is still pending.

4. Since the investigation is pending and the charge sheet is also not yet filed, at this juncture, the return of the property/interim custody of the property under section 451 Cr.P.C is purely the discretionary power of the learned Magistrate. Therefore, this Court does not find any perversity in the order passed by the Magistrate. Hence the Revision Case is dismissed. However, the respondent police is directed to complete the investigation and submit the final report within two months from the date of receipt of a copy of this order. After filing of the final report, the petitioner is at liberty to produce sufficient documents before the concerned Magistrate.

5. With the above directions, the Criminal Revision Case is dismissed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

mfa
To

1. The Judicial Magistrate No.1,
Mettur.

2. The Inspector of Police,
Kolathur Police Station,
Salem District.



3. The Public Prosecutor,
High Court,
Madras.

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+lcc to Mr.M.Mariappan, Advocate Sr.54603

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