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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Cr1.R.C.No.752 of 2019

J.Kanniappan

... Petitioner/Accused

-Vs-

State Rep. by
The Inspector of Police,
R-1, Mambalam Police Station,
Chennai - 600 017.

... Respondent/Complainant

PRAYER:-

Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order in C.M.P.No.1987 of 2019, dated 08.07.2019 on the file of the learned XVII Metropolitan Magistrate, Saidapet, by allowing this revision petition.

For Petitioner : No Appearance

Respondent : Mr.S.Sugendran,
Government Advocate (Cr1.Side)

O R D E R

The respondent police registered a case in Cr.No.282 of 2019 against the petitioner for the offence under Section 328 of IPC and Section 6 of Cigarettes and other Tobacco Products Act stating that the petitioner indulged in manufacturing of prohibited items of Gutca and the respondent police also seized Rs.1.00 lakh. The petitioner has filed a petition before the learned XVII Metropolitan Magistrate, Saidapet, under Section 451 of Cr.P.C. seeking return of money seized by the respondent police. The learned Magistrate dismissed the petition by order dated 08.07.2019.



2. When the matter is taken up for hearing, there is no representation on behalf of the petitioner. Since the revision is arising out of only dismissal of petition filed under Section 451 of Cr.P.C. seeking interim custody of the seized property and also the revision is pending from the year 2019, this Court is inclined to pass orders on merit and hence gone through the impugned order passed by the Magistrate.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that investigation has not yet completed and charge sheet has also not filed and hence the seized money cannot be released at this stage.

4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent police and perused the materials available on record.

5. It is seen that in the present case, investigation is pending and charge sheet not yet filed. Further, pending investigation, decision in petition under Section 451 of Cr.P.C. seeking interim custody of the seized property is purely discretionary power vested with the Magistrate concerned and this Court is not inclined to interfere with the same, since there is no perversity in the order of dismissal by the Court below.

6. Hence, this criminal revision case is dismissed.

Sd/-
Assistant Registrar(CS VI)

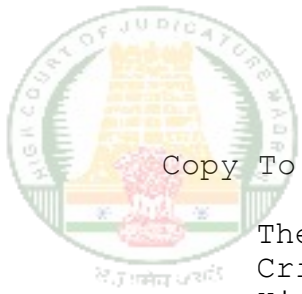
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Sub Assistant Registrar

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To

1. The XVII Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
R-1, Mambalam Police Station,
Chennai - 600 017.
3. The Public Prosecutor,
High Court of Madras.



Copy To:

The Section Officer,
Criminal Section,
High Court, Madras.

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MG (CO)
PBS/23/09/2021