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Crl.R.C.No.420 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.R.C.No.420 of 2020

Radhakrishnan

... Petitioner

Vs.

State Represented by
The Sub Inspector of Police,
Sankar Nagar Police Station,
Chennai.

... Respondent

Prayer:Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C., to set aside the order dated 26.02.2020 passed in C.M.P.No.118 of 2020 in Crime No.607 of 2019 on the file of the Judicial Magistrate No.II, Tambaram.

For Petitioner : Mr.K.Gajendiran

For Respondent : Mr.R.Murthi
Government Advocate (Criminal Side)



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ORDER

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This Criminal Revision Case has been filed against the order dated 26.02.2020 passed in C.M.P.No.118 of 2020 in Crime No.607 of 2019 on the file of the Judicial Magistrate No.II, Tambaram.

2. The respondent police registered a case against the petitioner and two others in Crime No.607 of 2019 for the offence under Section 328 IPC and 20(2) of COTPA 2003. The petitioner herein arrayed as second accused in the said case. The respondent police on raid, recovered banned Tobacco and Kutka products weighing about 1790 Kgs and also sum of Rs.2,37,464/- in cash, from the accused. During investigation, the petitioner filed a petition in C.M.P.No.118 of 2020 in Crime No.607 of 2019 on the file of the Judicial Magistrate No.II, Tambaram, under Section 451 Cr.P.C., seeking return of property which was seized by the respondent police. The said petition was dismissed by the learned Magistrate vide order dated 26.02.2020. Aggrieved over the order of dismissal passed by the learned Magistrate, the petitioner herein has filed the present Criminal Revision Case before this Court.

3. Learned Government Advocate (Criminal Side) appearing for the



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respondent police would submit that investigation is not completed and charge sheet also not yet filed and the products involved in the case are prohibited products which are banned by the Government of Tamil Nadu.

4. During investigation, return of property is purely discretionary power of the Court. Since the investigation is still pending and charge sheet also yet to be filed, this Court is not inclined to allow this Criminal Revision Petition and the same is liable to be dismissed. Since the case in Crime No.607 of 2019 is pending from the year 2019, the Investigating Officer is directed to file charge sheet within one month from the date of receipt of copy of this order, if it is already not filed. If the charge sheet is filed, the learned Magistrate is directed to take the charge sheet on file, if it is otherwise in order and proceed in accordance with law. With the abovesaid directions, the Criminal Revision Case is dismissed.

05.12.2022

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Index:yes/No
Internet:yes/No

P.VELMURUGAN, J.

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To

1. The Judicial Magistrate No.II,
Tambaram.
2. The Sub Inspector of Police,
Sankar Nagar Police Station,
Chennai.
3. The Public Prosecutor,
High Court,
Chennai.

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