



Crl.R.C.No.466 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.466 of 2020

S.Devan

... Petitioner

Versus

The State Rep.by
The Inspector of Police,
CCB 1/PS Chennai,
CCB District,
EDF-II, Team -4,
Chennai Crime Branch,
Vepery, Chennai,
Crime No.289 of 2019.

... Respondent

Criminal Revision Case filed under Sections 397 and 401 of Criminal Procedure Code to call for the records and set aside the order dated 10.02.2020 passed by the learned Metropolitan Magistrate, CCB, CB-CID Court, Egmore, Chennai in Crl.M.P.No.417 of 2020 and to return the property documents of 1.Original Parent Sale Deed Doc No.2153 of 1970 Dated 12.11.1970; 2. Original Release Deed Doc No.856 of 1983 Dated 30.04.1983; 3.Original Death Certificate of Mrs.Akilandam and Mr.Ganapathy; 4. Original General Power of Attorney Deed Doc No.322 of 2016-2017 Dated 09.08.2016; 5.Original Cancellation of General Power of Attorney Deed Doc No.321 of 2016-2017 Dated 09.08.2016; 6. Original Affidavit of Raja Ravi Sekhar Dated 31.08.2016; 7.Original Sale Deed stands in the petitioner's name Doc No.1843 of 2019 Dated 21.03.2019 to the custody of the petitioner.



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For Petitioner : Mr.P.K.Ganesh
For Respondent : Mr.R.Murthi
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been preferred against the order dated 10.02.2020 passed in Crl.M.P.No.417 of 2020 by the learned Metropolitan Magistrate, CCB, CB-CID Court, Egmore, Chennai.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and also perused the materials available on record.

3. During the pendency of the investigation, the petitioner filed a petition in Crl.M.P.No.417 of 2020 before the learned CCB and CBCID Metropolitan Magistrate, Egmore, Chennai seeking to return of the documents which were collected by the Investigating Agency and the said petition was dismissed. Challenging the said order, the petitioner has filed the present revision case.



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4. On a careful perusal of the records, it is seen that the offences involved in this case are under Sections 409, 420, 465, 468 and 125(B) r/w 34 IPC, which are serious in nature. The learned Magistrate after appreciating the entire materials has given a finding that the petition mentioned documents are very much essential and the said documents are required to be sent to the Forensic Laboratory for getting Expert's opinion, since the offence under Section 468 is also involved. In the case on hand, investigation has been completed and the charge sheet also taken on file in C.C.No.3129 of 2020. Considering the nature of the offences, the documents are very much essential to prove the ingredients of Sections 468, 428 and 120(B) r/w 34 IPC before the trial Court and hence, the documents cannot be returned to the petitioner.

5. In view of the above facts and circumstances and also considering the serious nature of the offences involved in the case, this Criminal Revision Case is dismissed.

08.12.2022

Index : Yes/No
Speaking Order/Non Speaking Order
ms



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P.VELMURUGAN, J.

ms

To

- 1.The Metropolitan Magistrate,
CCB, CB-CID Court,
Egmore, Chennai.
- 2.The Inspector of Police,
CCB 1/PS Chennai,
CCB District,
EDF-II, Team -4,
Chennai Crime Branch,
Vepery, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

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