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Crl.R.C.No.844 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.844 of 2022

B.Abdul Khader,
S/o.Baseera

... Petitioner

Versus

State Rep. by its
The Inspector of Police,
N-3, Muthiyalpet Police Station,
Chennai.

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside the order dated 09.08.2021 in Crl.M.P.No.5245 of 2021 passed by the learned XVI M.M, G.T., Chennai against connected with Cr.No.956 of 2020 (on the file of respondent).

For Petitioner	:	Mr.M.Illiyas
For Respondent	:	Mr.S.Vinoth Kumar, Government Advocate (Crl.Side)

ORDER

This Revision is filed aggrieved by the order of the learned XVI Metropolitan Magistrate, George Town, Chennai-01, dated 09.08.2021 in Crl.M.P.No.5245 of 2021, in and by which, the learned XVI Metropolitan



Magistrate has rejected the prayer of the petitioner for return of interim custody of the goods mentioned therein, which are in the nature of ATM Card, Aadhar Card, RC Book and Driving License, etc.

2.The learned Counsel for the petitioner would submit that there is no justification in retaining the said things in the Court. He would also submit that the Aadhar Card, Driving License and Registration Certificate are not all relevant for the case. Even as against the ATM Card, there is no point in keeping the same because already the investigation over and charge sheet is filed.

3.However, I am not inclined to accept the prayer, because the allegations that the petitioner has attacked the *de-facto* complainant and also involved in extortion of money.

4.The money in the bank can be withdrawn by the petitioner if the ATM Card is returned and the same cannot be allowed. As far as the other documents, namely Aadhar Card is downloadable and therefore, there is no point in returning the Aadhar Card. Similarly, the original of the Registration Certificate is retained, because the said vehicle can be attached and the money



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can be realized, in case the accused is found guilty in the trial. The only thing remaining is the driving license, it is there in Court. When the Trial Court has found all of them as necessary properties, at this stage, it is need not to be returned considering the serious nature of the offence.

5. Therefore, I am of the view that this Criminal Revision Case is liable to be dismissed as without any merits and as such, the same is dismissed.

04.07.2022

Index : yes/no
Speaking/Non-speaking order
sp

To

1. The XVI Metropolitan Magistrate,
George Town,
Chennai-01.

2. The Inspector of Police,
N-3, Muthiyalpet Police Station,
Chennai.

3. The Public Prosecutor,
Madras High Court.



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D.BHARATHA CHAKRAVARTHY, J.,

sp

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