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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.R.C.No.865 of 2021

1.Mrs.R.Arunmozhi

2.Mr.R.Vignesh Marimuthu

.. Petitioners

/versus/

State

Inspector of Police,

V & AC, CSU-I,

Chennai 16.

(Ref.:Cr.No.6/AC/2018/CC-I dt. 23.3.18)

..Respondent

Prayer: Criminal Revision Case has been filed under Section 397 Cr.P.C., read with Section 401 of Cr.P.C to call for the records and set aside the order dated 19th August, 2021 in Crl.M.P.No.494 of 2021 on the file of the Special Court for the Cases under Prevention of Corruption Act at Chennai, consequently, return the property.

For Petitioner :Mr.N.R.Elango, Senior Counsel
for Mr.B.A.Sujay Prasanna

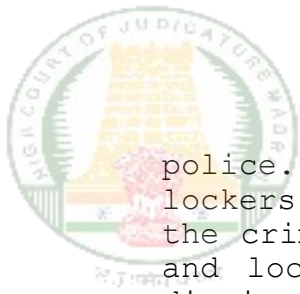
For Respondent :Mr.C.E.Pratap
Government Advocate (Crl.side)

O R D E R

(This case has been heard through Video Conferencing)

Challenging the order passed by the learned Special Court for the Cases under Prevention of Corruption Act, Chennai in Crl.M.P.No.494 of 2021, dated 19/08/2021, this Criminal Revision Case has been filed.

2.Brief facts leading to the criminal revision case is that, the husband of the first petitioner and the father of the second petitioner has been implicated for the offences under Sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and under Sections 120(B), 420 r/w 109 of IPC and 468 r/w 109 of IPC in Crime No. 6/AC/2018/CC-I. During the investigation, various documents along with locker keys were seized by the respondent



police. According to the petitioners, those documents and lockers belong to the petitioners and it is nothing to do with the crime, hence they filed a petition to return those documents and locker keys to the petitioners. However, the Court below dismissed the petition. Challenging the same, the present revision petition.

3.It is contended by the learned Senior Counsel appearing for the petitioners that, some of the documents along with locker keys seized from the petitioners and they are nothing to do with the alleged offences and they absolutely belong to the petitioners. Hence, they approached the Special Court seeking return of the documents along with locker keys. The Court below, without considering the materials, dismissed the petition filed by the petitioners.

4.The respondent filed a counter-affidavit wherein it is stated that now the investigation has almost completed and the respondent has no objection for returning those documents and locker keys. The relevant portion of the counter-affidavit reads as below:-

"It is submitted that in respect of the FIR allegations, the investigation has almost come to the stage of completion and the above documents/materials in the lockers are not relevant to the case and no more required for the present investigation. The respondent have no objection or whatsoever to return the said documents since the investigation is completed and draft final report is already submitted and further these documents have no relevancy with the present case."

5.Considering the above fact that there is no objection for returning the documents along with keys, this Court is of the view that, the prayer sought for by the petitioners could be allowed.

6.In the result, the Criminal Revision Case is allowed and the order passed by the learned Special Court under Prevention of Corruption Act, Chennai dated 19.08.2021 in CrI.M.P.No.494 of 2021 is set aside. The respondent police is directed to return the documents and locker keys available with them, to the petitioners forthwith.



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7. In the result, this Criminal Revision Case is allowed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To:

1. The Special Judge,
Special Court under Prevention of Corruption Act,
Chennai.

2. The Inspector of Police, V & AC, CSU-I, Chennai 16.

3. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.M.S.B.A.SUJAY PRASANA, Advocate Sr.NO. 2392

CrI.R.C.No.865 of 2021

VG II(CO)

A.SK(27.01.2022)