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CrI.R.C.(MD) No.815 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.815 of 2022

K.Kalaikkumar

... Petitioner

Vs.

State rep.by
The Inspector of Police,
CBI, Chennai.
RC12/S/2013/CBI/SCB/Chennai.

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order in R.C.S.No.1 of 2019, dated 10.10.2019 on the file of the learned Chief Judicial Magistrate, Tiruchirappalli and set aside the observation that Item Nos.1 to 6 Material objects to be destroyed and item No.7 Motor Bike to be kept by the owner as absolute after expiry of revision period.

For Petitioner : Mr.Lajapathi Roy, T.

For Respondent : Mr.N.Mohideen Basha,
Special Public Prosecutor



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ORDER

This Criminal Revision is directed against the order passed in R.C.S. No.1 of 2019, dated 10.10.2019 on the file of the learned Judicial Magistrate, Tiruchirappalli and set aside the observation that Item Nos.1 to 6 Material objects to be destroyed and item No.7 Motor Bike to be kept by the owner as absolute after expiry of revision period.

2. The learned Judicial Magistrate, Tiruchirappalli, while accepting the closure report filed by the respondent has also passed the impugned order with respect to the properties remanded in R.P.No.25 of 2015 on the file of the said Court and the order is extracted hereunder :

“9. With regard to properties (R.P.No.25/2014 of this Court Item No.1 to 5 dresses recovered from deceased body. Item No.6 T-Shirt recovered from accused Illaiyaraja. Item No.7 Motor Bike TN55 Q 4746 TVS Star Sport Vehicle was already handed over to accused Illaiyaraja as interim custody in Cr.M.P.No.2792/2013, dated 12.04.2013 on the file of Judicial Magistrate Court, Pudukkottai. Hence, Items No.1 to 6 to be destroyed after expiry of the revision and Item No.1 to be kept by the owner himself as absolute after expiry of the revision period.”



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3. The learned counsel for the petitioner would submit that the petitioner has earlier filed a petition in W.P.(MD)No.3863 of 2020, under Article 226 of the Constitution of India, directing the State of Tamil Nadu to provide adequate compensation to the tune of Rs.1 Crore for the failure of investigation by the State in respect of the brutal murder and rape of the petitioner's daughter on 09.03.2011 and this Court vide order, dated 18.03.2022, has directed the second respondent ie., the Director General of Police, Beach Road, Chennai-4, to pay a sum of Rs. 7,00,000/- immediately to the District Legal Services Authority, Trichy, for disbursing the remaining compensation, within a period of two months from the date of receipt of copy of that order and thereafter, the District Legal Services Authority, Trichy shall disburse the said amount of Rs.7,00,000/- as per the scheme to the petitioner as expeditiously as possible.

4. It is pertinent to note that this Court while passing the said order in paragraph No.5, has specifically passed an order setting aside the property order passed by the learned Chief Judicial Magistrate and the same is extracted hereunder :

“5. As rightly pointed out by the learned Advocate General, while accepting the closure report, the learned Chief Judicial



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Magistrate ought not to have passed the order for destruction of the material objects. Therefore, this Court at the first instance set asides the order dated 10.10.2019 passed by the learned Chief Judicial Magistrate, directing the destruction of the property after the revision period is over.”

5. Since this Court while exercising the power under Article 226 of the Constitution of India, has specifically set aside the property order passed by the learned Chief Judicial Magistrate, dated 10.10.2019, there is no need or necessity for passing similar order again in the present revision.

6. Accordingly, this Criminal Revision Petition is dismissed.

26.08.2022

Index : Yes/No
Internet : Yes/No
das

To:-

- 1.The Chief Judicial Magistrate, Tiruchirappalli.
- 2.The Inspector of Police,
CBI, Chennai.
RC12/S/2013/CBI/SCB/Chennai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
Crl.R.C.(MD)No.815 of 2022

26.08.2022