



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.02.2022

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THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C. (MD).No.931 of 2021

Harisudhan

.. Revision Petitioner/Petitioner

/Vs./

State rep. by
The Inspector of Police,
Central Crime Branch,
Madurai City,
(Crime No.12 of 2020)

.. Respondent/Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to allow the revision petition by setting aside the order dated 24.11.2021 in Cr.M.P.No.1394 of 2021 on the file of the learned Judicial Magistrate No.I, (FAC), Madurai.

For Petitioner : Mr.AN.Ramanathan

For Respondent : Mr.S.Manikandan, Government Advocate

O R D E R

This petition has been filed seeking order to set aside the dismissal order that has been passed by the learned Judicial Magistrate No.I, Madurai, Cr.M.P.No.1394 of 2021, dated 24.11.2021.

2.The petitioner is facing charges under Sections 120-B, 406, 465, 468, 420 IPC on the basis of the complaint by the second respondent herein. This Court by the order dated 21.12.2020 in Crl.O.P.(MD).No.15278 of 2020 has passed an interim stay of the investigation for a period of two weeks. It is submitted that it was periodically extended also. The main criminal original petition is also pending. It is submitted by the learned counsel for the petitioner that during the course of investigation his documents namely (i) Passport, (ii) Degree Certificate (Diploma), (iii) Transcript Mark Sheet (Diploma Mark Sheet), (iv) Krok Certificate, (v) Academic Transcript Certificate Letter, (vi), Bonafide Letter, (vii) Academic Record Certificate & (viii) Attestation Letter, have been seized from him. The Investigating Officer handed over the same to the learned Judicial Magistrate No.I, Madurai. Hence, the petitioner has filed a petition before the learned Judicial Magistrate, seeking return of the above said eight documents for his further studies, that petition came to be dismissed by the learned Judicial Magistrate stating that since Criminal Original Petition is pending before this Court, no order of return of document can be passed. Challenging the same, this criminal revision case came to be filed.



3.On perusal of records this Court is of the opinion that except Passport, the petitioner is entitled to get return back all other original documents. At that time, the learned counsel for the petitioner submitted that the passport is required to registering for further studies. He is also undertakes to return the original passport to the concerned Court after completing the official formalities.

4.The learned Government Advocate (Crl. Side) has no objection to return the original documents to the petitioner.

5.In view of the submissions made on either side, this Court deems it fit to pass the following order.

- (i)The petitioner shall submit certified copies of all original documents before the concerned Court.
- (ii)The concerned Court shall return the original documents by substituting the same with relevant certified copies.
- (iii)The petitioner shall resubmit the original passport before the concerned Court after the official formalities are over for registration of his further studies. The petitioner shall file an undertaking affidavit to that effect before the concerned Court.

6.With the above directions, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

To

1.The Judicial Magistrate No.I (FAC), Madurai.

2.The Inspector of Police,
Central Crime Branch, Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.AN.RAMANATHAN, Advocate (SR-4177[F] dated 04/02/2022)

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NA (CO)

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