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Crl.R.C.No.139 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.R.C.No.139 of 2023

Venkatesh

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
B-2, Esplanade Police Station,
Chennai.

... Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to set aside the dismissal order dated 16.12.2022 in Crl.M.P.No.12289 of 2022 under Section 451 Cr.P.C passed by the learned VII Metropolitan Magistrate, G.T, Chennai against connected with Crime No.389 of 2022 on the file of the respondent.

For Petitioner : Mr.I.MD.Arif

For Respondent : Mr.V.Meganathan
Government Advocate (Crl.Side)

ORDER

The Criminal Revision Case has been filed challenging the impugned order dated 16.12.2022 passed in Crl.M.P.No.12289 of 2022



Crl.R.C.No.139 of 2023

by the VII Metropolitan Magistrate, George Town, Chennai.

2.The case of the prosecution is that the petitioner is the owner of the seized the properties viz., (i) Remote Control Model-GL6D10A-1 No (ii) Drone Pad Number FCCID: T650A1609 IC: 11805A-T650A1609 (iii) Digital Camera-D.J.I Model No.SLS 16T284A by the respondent police in connection with the case registered in Crime No.389 of 2022, for the offence under Sections 287 I.P.C., 10 and 11 of the Aircraft Act, 1934. It is the case that the accused persons have taken the above said seized properties for rent from the petitioner and operated the drone in the upstairs of the Madras High Court campus and the same was dropped near Bar Council of Tamil Nadu and Puducherry buildings.

3. The learned counsel for the petitioner submitted that the petitioner is the owner of the seized properties and he is not an accused in this case. The accused persons had taken the Remote Control Model-GL6D10A-1 No, Drone Pad Number FCCID: T650A1609 IC: 11805A-T650A1609, Digital Camera-D.J.I Model No.SLS 16T284A for rent



Crl.R.C.No.139 of 2023

from the petitioner and operated the drone in the upstairs of the Madras High Court campus. He further submitted that the drone was not used for any illegal activities and no photographs were captured using the same. He added that the petitioner is ready to abide by any condition that may be imposed by this court for return of the properties. Hence he prayed for return of the properties seized by the respondent police.

4. The learned Government Advocate (Crl.Side) for the respondent submitted that the respondent police registered a case in pursuant to the complaint given by one Sirajudeen, the Sub Inspector of Police attached to the High Court of Madras. In the complaint, it is stated that the drone was flying over the High Court Buildings and landed near Bar Council of Tamil Nadu and Puducherry building, thereby, they had to seize the Mobile Phone Vivo V-20-1 No, Remote Control Model-GL6D10A-1 No, Drone Pad Number FCCID: T650A1609 IC: 11805A-T650A1609, Digital Camera-D.J.I Model No.SLS 16T284A of the persons and to conduct enquiry. Thereafter, the case has been registered and no memory data has been recovered from the accused. In the absence of recovering



Crl.R.C.No.139 of 2023

any memory card from the drone camera, the respondent police are not in a position to state that the accused has not captured any photographs in the High Court campus and there is no CCTV footage available to that effect, accordingly, he objected to hand over the properties to the petitioner for interim custody.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent. I have perused the materials on record.

6. On a perusal of the records, the fact reveals that the respondent police registered a case in Crime No.389 of 2022 in pursuance to the complaint given by Sirajudeen, the Sub Inspector of Police, attached to the High Court Police Station. In the complaint, it is stated that on 11.12.2022 at about 10.45 a.m., the drone camera was flying over the prohibited area of the Madras High Court campus and landed near Bar Council of Tamil Nadu and Puducherry building and it was operated by three persons. On seeing the drone flying above the High Court campus,



Crl.R.C.No.139 of 2023

WEB COPY

the respondent police enquired and seized the Mobile Phone Vivo V-20-1 No, Remote Control Model-GL6D10A-1 No, Drone Pad Number FCCID: T650A1609 IC: 11805A-T650A1609, Digital Camera-D.J.I Model No.SLS 16T284A. Thereafter, the case has been registered. Further, the fact reveals that while seizing the drone, no memory card was recovered. There is no material collected by the respondent police to indicate that the accused persons have captured any photographs over the High Court Campus.

7. Considering the nature of offence and also taking into account the fact that the seized properties viz., (i) Remote Control Model-GL6D10A-1 No (ii) Drone Pad Number FCCID: T650A1609 IC: 11805A-T650A1609 (iii) Digital Camera-D.J.I Model No.SLS 16T284A are not used for any other criminal case or similar in nature, this Court is inclined to allow the Criminal Revision Case on the following conditions:

(i)The petitioner shall prove his ownership of the above said seized properties before the respondent police. The respondent police, on perusal of the



Crl.R.C.No.139 of 2023

documents, retaining the Xerox copy of the same, shall return the seized properties;

(ii) The petitioner *shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the satisfaction of the VII Metropolitan Magistrate, George Town, Chennai.*

(iii) The petitioner shall not alienate or encumber the properties in any manner;

(iv) The petitioner shall give an undertaking that he will not use the properties for any illegal activities in future,

(v) The petitioner shall take photograph of the properties; and

(vi) The petitioner shall also produce the properties as and when required before the court below and before the respondent police.

8. Accordingly, this Criminal Revision Case is allowed and the impugned order passed by the Trial Court is set aside. The respondent police is directed to return the above seized properties to the petitioner.

15.02.2023

Index : Yes/No
Internet : Yes/No
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Crl.R.C.No.139 of 2023

To
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1.The VII Metropolitan Magistrate
George Town
Chennai

2.The Inspector of Police,
B-2, Esplanade Police Station,
Chennai.

3.The Public Prosecutor,
High Court of Madras,
Chennai-104.



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Crl.R.C.No.139 of 2023

V.SIVAGNANAM, J.,

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Crl.R.C.No.139 of 2023

15.02.2023