



Crl.R.C.No.1001 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

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THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

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Sugavanan

... Petitioner

Vs.

The State Rep. by
the Inspector of Police,
District Crime Branch,
Salem City.
Crime No.10/2020

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code, to set aside the order passed by the learned Judicial Magistrate No.III, Salem in Crl.M.P.No.356 of 2023, dated 21.03.2023.

For Petitioner : Mr.M.Rajkumar

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)

ORDER

Challenging the orders, dated 21.03.2023 passed in Crl.M.P.No.356 of 2023 by the learned Judicial Magistrate No.III, Salem, the present Criminal Revision is filed.



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2. The revision petitioner filed a petition in Crl.M.P.No.356 of 2023 under Section 451 of Cr.P.C., seeking interim custody of the following articles which were seized in connection with Crime No.10/2020 of CCB, Salem for the alleged offences punishable under Sections 420 and 506 (i) of I.P.C.

1. Benq Computer-1
2. Mouse -1
3. Keyboard -1
4. CPU-1
5. HP Laptop Silver Colour -1
6. 04.03.2020 Sriramcity Union Finance Jewel Mortgage receipt -1
7. 06.06.2020 Sriramcity Union Finance Jewel Mortgage receipt -2
8. 08.06.2020 Sriramcity Union Finance Jewel Mortgage receipt -3
9. 09.06.2020 Sriramcity Union Finance Jewel Mortgage receipt -3
10. 10.06.2020 Sriramcity Union Finance Jewel Mortgage receipt -2
11. 11.06.2020 Sriramcity Union Finance Jewel Mortgage receipt -2
12. 20.06.2020 Muthoot Finance Jewel Mortgage receipt -1
13. 22.06.2020 Muthoot Finance Jewel Mortgage receipt -1



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14. HP Laptop -1 (Silver Colour)
15. Samsung Monitor -1
16. CPU LG Odissey -1
17. HCL Keyboard -1
18. Mouse Legitech -1
19. Sugavanam Passport 50359870 (Original)-1

The said petition was dismissed by the learned Judicial Magistrate No.III, Salem on 21.03.2023 on the ground that the investigation is at preliminary stage. Aggrieved over the said order, the present revision is preferred.

3. Mr.M.Rajkumar, learned counsel for the petitioner prayed for return of articles 1 to 5 and 14 to 19 alone, seized by the respondent police. His specific contention is that the articles mentioned in item 1 to 5 and 14 to 18 are electronic items and if they are not used regularly, the same would get spoilt. The 19th item is the original passport of the present revision petitioner. Therefore he prayed for return of the abovesaid items.



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4. Mr.R.Vinothraja, learned Government Advocate (Crl. side)

appearing for the respondent contended that the relevant data from the computers had been retrieved by the Police officials and the investigation is almost completed. Hence, he did not raise any serious objection in allowing this petition.

5. Considering the submissions made by the learned counsel

appearing on either side, this Court is inclined to grant interim custody of of the articles mentioned in paragraph No.3 to the petitioner with certain conditions.

6. Accordingly, this Criminal Revision case is allowed and the

impugned order in Crl.M.P.No.356 of 2023 dated 21.03.2023 passed by the learned Judicial Magistrate No.III, Salem is set aside. Consequently, the interim custody of the articles mentioned in paragraph No.3 are given to the petitioner on the following conditions:

- i. the petitioner shall prove the ownership of the articles with relevant records;



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- ii. the petitioner shall execute a bond for a sum of Rs.1,00,000/-
(Rupees One Lakh Only) before the learned Judicial
Magistrate No.III, Salem.
- iii. the petitioner shall not alienate or encumber the articles in
any manner;
- iv. the petitioner shall give an undertaking that he will not use
the articles for any illegal activities in future,
- v. The petitioner shall give an undertaking before the trial court
that he would not leave India without the permission of the
Court.
- vi. the petitioner shall also produce the articles as and when
required by the court below and by the respondent police.

10.08.2023

Index: Yes/No
Speaking/Non-Speaking order
vum



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R. HEMALATHA, J.

vum

To

- 1.The Judicial Magistrate No.III,
Salem.
- 2.The Inspector of Police,
District Crime Branch,
Salem City.

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