



Crl.R.C.No.999 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

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

Crl.R.C.No.999 of 2023

Saravanan

... Petitioner

Vs.

The State Rep. by
the Inspector of Police,
City Crime Branch Police Station,
Coimbatore.
(Crime No.11/2023)

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.17764 of 2023 on the file of the learned Judicial Magistrate Court-VII, Coimbatore, dated 05.05.2023.

For Petitioner : Mr.P.|Narayana Prasadh

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

ORDER

Challenging the orders dated 05.05.2023, passed by the learned Judicial Magistrate Court-VII, Coimbatore in Crl.M.P.No.17764 of 2023, the present Criminal Revision is filed.



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2. The revision petitioner has filed the petition under Sections 451 r/w. 457 of Cr.P.C, in Crl.M.P.No.17764 of 2023, seeking return of the mobile phone to him.

3. The case of the prosecution is that the defacto complainant was introduced to the revision petitioner/accused A.K.Saravanan and his family members by one Sundaramoorthy, Divisional Engineer of Highways Department of Salem stating that the accused is running a firm in the name and style of Sree Saravana Constructions Company at Palani. The said Sundaramoorthy, Divisional Engineer of Highways Department induced the defacto complainant to join the accused as partner in the firm and also insisted him to invest in the Partnership firm to get contract in the Highways Department. Accordingly, the defacto complainant, his son and his brother invested a sum of Rs.54,68,50,000/- by way of multiple transactions through bank and also by paying cash. However, the accused failed to give either profits or return the capital as agreed as per their Memorandum of Understanding. Hence, the defacto complainant lodged a complaint with the respondent Police.



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4. During the course of investigation, it came to light that the the revision petitioner / A1 namely A.K.Saravanan had received Police summons and the case oriented communication from one Arangarajan S/o. Chidambaram who is presently working as a Chief Manager of Canara bank, Palani Branch. Therefore, the said Aranganathan was issued with summons by the investigating officer. After enquiry, it also came to light that the said Aranganathan, Chief Manager of Canara Bank had taken screenshots of the Police summons and other case related documents in his mobile phone and forwarded the same to the petitioner's iPhone. Therefore, the investigating officer seized the mobile phone of the accused and registered an FIR in Crime No.11/2023 against Aranganathan for the offences punishable under Sections 120 B, 406, 409, 468, 471, 420, 506 (1) I.P.C., r/w. 34 IPC.,

5. When the matter is taken up, Ms.P.Renuga Devi, Inspector of police, City Crime Branch, Coimbatore is present before this Court.



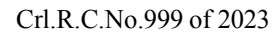
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6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

7. Mr.P.Narayana Prasadh, learned counsel for the petitioner contended that the present revision petitioner is not at all involved in the offence and that he has been falsely implicated in the case. The learned counsel further contended that no prejudice would be caused to the prosecution, if the iPhone is returned to the petitioner.

8. Per contra, Mr.R.Vinothraja, learned Government advocate (Crl. Side) contended that the Police officials sought some information with regard to the bank transaction of A1 and A3 in connection with Crime No.11/2023 and at the point of time, the Chief Manager took screen shots of the summons and other connected documents in his mobile phone and forwarded the same to A1. Hence the mobile of the Manager and the accused were seized and sent to the forensic laboratory on 21.06.2023 for getting an expert opinion. It is his further contention that the investigation is completed and final report is also filed. However,



Once report is received from the forensic lab, the mobile phone of the petitioner would be returned.

9. Since investigation has been completed and the Police is awaiting report from the forensic lab, the forensic laboratory viz., the Regional Forensic Lab, Coimbatore is directed to send the report in connection with the Crime No.11/2023 expeditiously. On receiving such report from the Forensic Lab, the Judicial Magistrate Court-VII, Coimbatore is directed to return the iPhone to the revision Petitioner on the following conditions:

- i) the petitioner shall prove his ownership of the iPhone;
- ii) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) before the learned Judicial Magistrate Court-VII, Coimbatore.
- iii) the petitioner shall not alienate or encumber the mobile phone in any manner;

R. HEMALATHA, J.



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iv) the petitioner shall also produce the mobile phone as and when required by the court below and by the respondent police.

10. With the above directions, this Criminal Revision is disposed of.

26.07.2023

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

To

1. The Judicial Magistrate Court-VII, Coimbatore
2. The Inspector of Police,
City Crime Branch Police Station,
Coimbatore.
3. The Section Officer,
Criminal Section, High Court,
Madras.

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