



Crl.R.C. No.1314 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

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

Crl.R.C.No.1314 of 2023

Amanullah Khan

...Petitioner

Vs.

State represented by
Inspector of Police
N3 Muthialpet Police Station
Chennai.

... Respondent

Prayer : Criminal Revision filed under Section 397 Cr.P.C. against the order dated 13.06.2023 passed by the learned XVI Metropolitan Magistrate, George Town, Chennai in Crl.M.P. No.4386 of 2023 in Crime No.45/2023.

For Petitioner : Mr.D. Rajagopal

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

ORDER

Challenging the orders dated 13.06.2023 passed by the learned XVI Metropolitan Magistrate (FAC), George Town, Chennai, in



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CrI.M.P.No.4386 of 2023, was filed by the petitioner/1st accused for return of Acer Laptop with charger 1 SNID 939015673428 and Cell phone -iPhone 14 Pro Max (Black colour with Sim 1, IMEI No.35294534501984) which were seized in connection with Crime No.45/2023, of N3 Muthialpet Police Station, Chennai, the present revision is made.

2. The case of the prosecution is that the defacto complainant's 1st daughter, who is studying in a college transferred a sum of Rs.30,000/- to the present petitioner/accused using her mother's account and a message was sent by the concerned bank to the said mobile phone. Since the accused did not return the amount to the defacto complainant's daughter, she committed suicide on 02.04.2023 by hanging herself. The defacto complainant immediately lodged a complaint with the police. The Inspector of Police, N3 Muthialpet Police Station, initially, registered an FIR in Cr.No.45/2023 under Section 174 Cr.P.C. and thereafter altered the same to Section 420 r/w 306 IPC and Section 66D of Information Technology Act, against the accused. After enquiry, the



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respondent police arrested the accused and the mobile phone and laptop belonging to the present revision petitioner (A1) were seized.

3. The present petitioner/1st accused filed a petition under Section 451 Cr.P.C. in Crl.M.P.No.4386 of 2023 before the XVI Metropolitan Magistrate (FAC) Court, George Town, Chennai, for the return of Laptop and mobile phone. The learned XVI Metropolitan Magistrate (FAC), George Town, Chennai, dismissed the said petition vide his orders dated 13.06.2023. Aggrieved over the same, the present Criminal Revision Case is filed.

4. Heard Mr.D. Rajagopal, learned counsel for the petitioner and Mr. R.Vinothraja, GA (Crl. Side) for the respondent.

5. Mr.D. Rajagopal, learned counsel for the petitioner drew the attention of this court to the complaint given by the defacto complainant in which she has stated that she and her two daughters along with one Joseph were sleeping in her house on 01.04.2023 and on 02.04.2023



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early in the morning, her 1st daughter was found hanging using her dupatta. His contention is that when the defacto complainant had herself admitted that she was staying with her paramour one Joseph in the house, the accused cannot be the reason for her daughter's suicide and that he did not receive any amount from the deceased.

6. Per contra, Mr. R.Vinothraja, Government Advocate (Crl. Side) appearing for the respondent would contend that this case is registered under Section 420 r/w 306 IPC and Section 66D of Information Technology Act and that it is clear from the mobile phones of the defacto complainant that her daughter (since deceased) had transferred a sum of Rs.30,000/- to the 1st accused and the same was not returned back by him. His further contention is that the investigation has not been completed and that the mobile phone and Laptop have to be sent for forensic laboratory for getting an expert opinion.

7. The presence of a person alleged to be paramour of the defacto complainant may not be a ground at this stage to hold that the



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present petitioner is innocent. This is more so because even in the complaint, the defacto complainant had not suppressed the presence of one Joseph in her house. Since the investigation is yet to be completed and the police is awaiting the forensic lab report, the mobile phone cannot be returned at this stage. Accordingly the Criminal Revision is dismissed.

8. In the result,

- i. the Criminal Revision Case is dismissed.
- ii. the orders dated 13.06.2023 passed by the learned XVI Metropolitan Magistrate (FAC), George Town, Chennai, in Crl.M.P.No.4386 of 2023, is confirmed.

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Index: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.
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To

1. The XVI Metropolitan Magistrate (FAC),
George Town, Chennai.
2. Inspector of Police
N3 Muthialpet Police Station
Chennai.

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