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Crl.R.C.No.1512 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

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

Crl.R.C.No.1512 of 2023

Dhashinamurthy @ R.D.Murthy

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Job Racket Wing, Team 28,
Central Crime Branch,
Egmore, Chennai.

... Respondent

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code, to set aside the order passed by the learned Metropolitan Magistrate, Egmore, Chennai (for exclusive trial of CCB Cases in Chennai) in Crl.M.P.No.12955 of 2023, dated 26.06.2023.

For Petitioner : Ms.T.Sreelekha

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

ORDER

Challenging the orders, dated 26.06.2023 passed in Crl.M.P.No.12955 of 2023 by the learned learned Metropolitan Magistrate, Egmore, Chennai (for exclusive trial of CCB Cases in



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Chennai), the present Criminal Revision is filed by the petitioner.

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2. The revision petitioner filed a petition in Crl.M.P.No.12955 of 2023 under Section 451 r/w. 457 Cr.P.C., before the learned Metropolitan Magistrate, Egmore, Chennai (for exclusive trial of CCB Cases in Chennai), seeking interim custody of the following articles:

1. Cell phone - Samsang Model No.A7 IMEI No. 351578/10/073939/0, 351578/10/073939/8
2. Gold ring 2 nos.
3. Silver ring 1 no.
4. Original Pan Card bearing No. 'not known' in the name of R.D.Murthy;
5. Original Pan Card bearing No. 'not known' in the name of Saranya
6. Original Aadhar card bearing No. 9661 0964 2891 in the name of R.D.Murthy;
7. Original Aadhar card in the name of Saranya;
8. Original Driving Licence card in the name of R.D.Murthy;
9. State Bank ATM card in the name of R.D.Murthy;



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10. Indian Bank ATM card in the name of Saranya;
11. Indian Overseas Bank ATM card in the name of R.D.Murthy;
12. Brochure card containing photos and original receipts;
13. Mettalic watch worth about Rs.2500.

3. The case of the prosecution is that the the petitioner / Accused No.9 received various amounts totalling to Rs.32 lakhs from the defacto complainants Amudha, Vigneshwari, Arokkiyasamy and Suresh, promising them that he would secure a Government Job in the Education Department. Subsequently he gave fake appointment orders to the defacto complainants and thereafter absconded. Based on the complaint given by the defacto complainants, FIR in Crime No.246/2021 was registered against the accused 1 to 9 for the offences punishable under Sections 420, 465, 468 r/w. 34 I.P.C. by the Inspector of Police, CCB, Egmore, Chennai. During the pendency of the investigation, the petitioner/A9 filed an application under Sections 451 r/w. 457 I.P.C. praying to return the above said articles 1 to 13.

4. The learned Metropolitan Magistrate vide his orders dated



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26.06.2023, returned the articles 4, 5, 7 and 8 on condition that the petitioner should execute a bond for a sum of Rs.5,000/- and also to produce the said articles as and when required by the Court / Police. As regards the remaining items, the learned Metropolitan Magistrate observed that it may not be appropriate to return the same as they were seized from the petitioner during the course of investigation.

5. Ms.T.Sreelekha, learned counsel for the petitioner contended that item nos.1, 2, 3, 6, 9, 10, 11, 12 and 13 may not be necessary for conducting investigation in the instant case.

6. Per contra, Mr.R.Vinothraja, learned Government Advocate (Crl. side) contended that Item No.12 namely the Brochure Card containing photos and original receipts, has not been seized by the Police. However, he did not raise any objection with regard to return of items 1, 2, 3, 6, 9, 10, 11 and 13 on the ground that they are not necessary for the purpose of investigation.

7. In the circumstances, this Criminal Revision is partly allowed



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and the interim custody of the articles 1, 2, 3, 6, 9, 10, 11 and 13 are given to the revision petitioner on the following conditions:

- i. The petitioner shall prove his ownership of the above said articles;
- ii. The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand Only) before the trial Court;
- iii. The petitioner shall not alienate or encumber the articles in any manner whatsoever;
- iv. The petitioner shall also produce the articles as and when required by the court below and by the respondent police.

15.09.2023

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

R. HEMALATHA, J.



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To

- 1.The Metropolitan Magistrate,
Egmore, Chennai
(for exclusive trial of CCB Cases in Chennai)
- 2.The Inspector of Police,
Job Racket Wing, Team 28,
Central Crime Branch,
Egmore, Chennai.

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