



Crl.R.C.(MD).No.23 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.23 of 2023

G.Srinivasan

...Revision Petitioner/Petitioner/
Accused No.1

Vs.

The Sub-Inspector of Police,
Kanyakumari Police Station,
CCD-III, Kanniyakumari District.
Crime No.31 of 2021

... Respondent / Respondent /
Complainant

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to set aside the order passed in Cr.M.P.No. 5176 of 2022, dated 13.06.2022 on the file of the Judicial Magistrate Court-II, Padmanabhapuram, by allowing the revision petition.

For Petitioner : Mr. Santhana Krishnan.P

For Respondent : Mr. Sakthikumar.M
Government Advocate (Crl. Side)



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ORDER

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This Criminal Revision Case has been filed to set aside the order passed in Cr.M.P.No.5176 of 2022, dated 13.06.2022 on the file of the Judicial Magistrate Court-II, Padmanabhapuram, by allowing the revision petition.

2. The petitioner is facing charges under Section 420 of IPC and 66-D of IT Act. During the course of investigation, the material objects namely one red colour Oppo mobile phone, two sim cards, one memory card and cash of Rs.11,500/- have been seized and remanded to the trial Court in R.P.No.142 of 2022. The petitioner has filed the application under Section 451 of Cr.P.C. seeking return of the articles as interim custody. It was dismissed by the trial Court dated 13.06.2022 observing that those material objects are required for investigation purpose.

3. Perusal of CD file shows that so far the material objects have not been send for the expert examination. Since investigation is pending and one of the co-accused is absconding, return of the material objects will hamper the investigation process. So this is not a stage to return the material objects. Depending upon the outcome of the trial process, the petitioner can



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workout the remedy through appropriate proceedings.

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5. With the above said liberty, this revision petition stands dismissed and accordingly dismissed.

30.01.2023

NCC :Yes / No
Index : Yes / No
Internet : Yes / No
indu

To

- 1.The Sub-Inspector of Police,
Kanyakumari Police Station,
CCD-III, Kanniyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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