



Crl.O.P.(MD)No.23154 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **21.12.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.23154 of 2023

Mahendar Kumar

... Petitioner/Petitioner

Vs.

The Inspector of Police,
Fort Police Station,
Trichy District.
Crime No.1522 of 2021.

...Respondent/Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order passed in Crl.R.P.No.30 of 2023, dated 10.08.2023 by the I Additional District Judge, PCR, Tiruchirappalli, confirming the order passed in Crl.MP.No.347/2022 dated 05.01.2023 on the file of the Judicial Magistrate No.I, Tiruchirappalli and consequently direct the learned Judicial Magistrate No.1, Tiruchirappalli to return the Samsung J 7 Cell phone, VIVO-Y 17 Cell phone and Rs.18,000/- cash to the petitioner.

For Petitioners : Mr.S.Pandiyaraj

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)



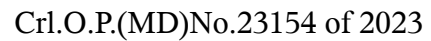
Crl.O.P.(MD)No.23154 of 2023

ORDER

WEB COPY

This petition has been filed seeking to set aside the order passed in Crl.R.P.No.30 of 2023, dated 10.08.2023 by the I Additional District Judge, PCR, Tiruchirappalli, confirming the order passed in Crl.MP.No. 347/2022 dated 05.01.2023 on the file of the Judicial Magistrate No.I, Tiruchirappalli and consequently direct the learned Judicial Magistrate No.1, Tiruchirappalli to return the Samsung J 7 Cell phone, VIVO-Y 17 Cell phone and Rs.18,000/- cash to the petitioner.

2.The learned Additional Public Prosecutor (Crl.Side) would submit that at that time of investigation, from the petitioner articles Samsung J 7 Cell phone, VIVO-Y 17 Cell phone and Rs.18,000/- cash, have been recovered on his confession statement and remanded before the concerned trial Court. Seeking interim custody of those articles and money, this petitioner moved a petition under Section 451 r/w. 457 of Cr.P.C., before the trial Court. But it came to be dismissed, stating that no proper documents were produced to show the ownership. Against which, he preferred a revision, but that was also came to be dismissed, stating that against the interlocutory order, revision does not lie.



5. Considering the submissions made by the learned Additional Public Prosecutor, these article cannot be returned to the petitioner. Admittedly, these mobile phones were recovered from the custody of this petitioner. So, it cannot be given on the interim custody to the petitioner. Those articles and money may be returned on the conclusion of the investigation.



Crl.O.P.(MD)No.23154 of 2023

6. With the above said, this Criminal Original Petition is dismissed.

21.12.2023

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

Indu

To

- 1.The Inspector of Police,
Fort Police Station,
Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.23154 of 2023

G.ILANGOVAN. J.

Indu

Crl.O.P.(MD) No.23154 of 2023

21.12.2023