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Crl.R.C.No.281 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.281 of 2024

Punitha Ramalingam

... Petitioner

Vs.

State Rep by:-

The Inspector of Police (Employment Fraud Prevention Unit),
CCB-I, Team 28,
Job Racket Prevention,
Chennai.

... Respondent

PRAYER: Criminal Revision is filed under Section 397 r/w 482 of the Code of Criminal Procedure, to call for the records and set aside the order passed in Crl.M.P.No.2731 of 2024 on the file of the Additional Metropolitan Magistrate for CCB Cases, Egmore, Chennai dated 22/01/2024 and set aside the same and direct the respondent to return the HP laptop (Gold colour) with charger and Think Lenovo (Black Colour), 2 OPPO mobile phones (Model No.CPH2495 and CPH 1937), and 1 Samsung mobile phone (Galaxy A33-5G), 2 ICICI Debit cards (4327271075002969 and 4017041075067105) and office pen drive to the petitioner on any condition pending investigating in CCB-I, Team 28, Job Racket Prevention, Chennai PS Cr.No.13 of 2023.

For Petitioner : Mr.P.G.Santhosh Kumar

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

The petitioner/A2 has filed a return of property petition in Crl.M.P.No.2731 of 2024 before the learned Additional Metropolitan Magistrate for CCB Cases, Egmore, Chennai seeking return of HP laptop (Gold colour) with charger, Think Lenovo (Black Colour), 2 OPPO mobile phones (Model No.CPH2495 and CPH 1937) and 1 Samsung mobile phone (Galaxy A33-5G), 2 ICICI Debit cards (4327271075002969 and 4017041075067105) and office pen drive. The learned Magistrate *vide* order, dated 22.01.2024 dismissed the petition, against which the present criminal revision case is filed.

2.The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in Crime No.13 of 2023 on the file of the respondent Police. The petitioner's husband and the defacto complainant had some civil dispute, for which, a false case projected as though the petitioner's husband collected money from the defacto complainant to secure job in electricity department. Further, the petitioner has got nothing to do with her husband's business. The petitioner employed in HCL, for that purpose, her employer gave mobile phone and laptop, which was seized. The respondent Police on coming to know that the petitioner's husband could not secure, arrested the



petitioner on 28.10.2023 and she was in prison for sixty days and only on statutory bail, she came out from the prison. He further submitted that the alleged date of occurrence was during the peak COVID-19 period, at that point of time, no prudent person would give money, that too to secure a job in the public sector undertaking. The respondent Police joined the defacto complainant as a recovery agent and foisted a case against the petitioner and her husband. The petitioner has got nothing to do with the alleged transaction between the defacto complainant and her husband. He further submitted that after filing of this revision on 05.02.2024 before this Court, the respondent Police filed a petition before the Court below on 23.02.2024 and on 07.03.2024 seeking forwarding the electronic devices for examination to the Regional Forensic Laboratory, Chennai.

3.The learned Additional Public Prosecutor appearing for the respondent Police filed counter submitted that during investigation, the absconding accused/petitioner was arrested on 28.10.2023. During Police custody, the petitioner voluntarily produced articles seized before witnesses on 29.10.2023. Thereafter seized articles produced before the learned Additional Metropolitan Magistrate for CCB Cases, Egmore, Chennai on 01.11.2023 which are as



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follows:

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S.No.	Serial No.of Seizure Mahazar	Item	B.No. & Date
1	11	Maruthi Suzuki Celerio VXi Car No.TN-07-CA-8759 with key (2 Nos)	2370/2023 01.11.2023
2	1	HP Pavilion Aero Laptop (Gold Colour)	2370/2023 01/11/2023
3	2	Think Laptop Lenovo (Black Colour)	2370/2023 01/11/2023
4	3	OPPO Phone (Model No.CPH2495)	2370/2023 01/11/2023
5	4	OPPO Phone (Model No.CPH1937)	2370/2023 01/11/2023
6	5	Samsung Cell Phone (Model No.Galaxy A33 5G)	2370/2023 01/11/2023
7	7	Income Tax Department Card No.ALYPP2341L (Original)	2370/2023 01/11/2023
8	8	ICICI Visa Debit Card No.4017041075067105	2370/2023 01/11/2023
9	9	Indian Driving License, No.0720060011577 (Original)	2370/2023 01/11/2023
10	13	Pendrive (Sandisk – Red and Black Colour) Cruiser Blade 64 GB-1	2370/2023 01/11/2023
11	12	Villa No.30, Casa Grande, House key-03	2370/2023 01/11/2023

4.He further submitted that the petitioner/A2 did not cooperate with investigation at the time of condition bail. For digital evidence, above seized property in this case sent to the Tamil Nadu Forensic Science Laboratory.



When such is the case, the said properties are required during trial to be marked as material object. He further submitted that the prime accused/A1/petitioner's husband is absconding and the petitioner is actively assisting her husband in the above offence. Apart from it, the petitioner and her husband operating several bank accounts, in which, the misappropriated amount siphoned out. Thus, the petitioner's claim of falsely implicating as accused is not proper. Hence, he strongly objected for setting aside the impugned order.

5.Considering the submissions and on perusal of the materials, it is seen that in this case, the petitioner's/A1 husband is absconding. No doubt the petitioner was arrested and she was in prison for sixty days. After filing of this revision, the request for forensic examination of the petitioner's electronic gadgets made. This alone would not entitle the petitioner for return of articles. For the purpose of investigation and collection of digital evidence, these articles are sent to the Regional Forensic Science Laboratory, Chennai. Hence, the impugned order, dated 22.01.2024 in Crl.M.P.No.2731 of 2024 passed by the learned Additional Metropolitan Magistrate for CCB Cases, Egmore, Chennai is hereby confirmed.



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6. In view of the above, this Criminal Revision Case stands dismissed.

21.03.2024

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

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To

1. The Additional Metropolitan Magistrate for CCB Cases,
Egmore, Chennai.

2. The Inspector of Police
(Employment Fraud Prevention Unit),
CCB-I, Team 28,
Job Racket Prevention,
Chennai.

3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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