



CrI.R.C.No.1058 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **25.06.2024**

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

CrI.R.C.No.1058 of 2024

Noor Mohammed

... Petitioner

Vs.

The State Rep by,
Sub Inspector of Police,
Podanur Police Station,
Coimbatore District.
(Crime No.213 of 2020)

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of Code of Criminal Procedure, praying to call for the records in C.M.P.No.2724 of 2023 on the file of District Munsif cum Judicial Magistrate Court, Madukarai, Coimbatore dated 11.08.2023 and set aside the same subsequently grant interim custody of the auto rickshaw original RC Book.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.A.Gopinath

Government Advocate (CrI.Side)



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ORDER

The present revision is filed against the order dated 11.08.2023 of the learned District Munsif cum Judicial Magistrate Court, Madukarai, Coimbatore in C.M.P.No.2724 of 2023, in and by which the prayer of the petitioner seeking interim custody of the case property is rejected by the learned Magistrate.

2. The case of the petitioner is that, the respondent police had registered an FIR in Crime No.213 of 2020 for the offences u/s 341, 294(b), 307 and 506(ii) of IPC as against the petitioner and had seized Original RC Book of auto rickshaw bearing Regn.No.TN-66-S-0290, Original RC Book of Honda Shine bearing Regn.No.TN-37-AQ-4153, I Ball Slide Model 7236 2 GB mobile phone, 4 GB Tab and Election Card No.RIVO249243. Therefore, the petitioner has moved a petition u/s 451 r/w 457 of Cr.P.C seeking return of seized properties in Crime No.213 of 2020 before the learned District Munsif cum Judicial Magistrate Court, Madukarai, Coimbatore in C.M.P.No.2724 of 2023, which was dismissed vide order



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dated 11.08.2023 rejecting the claim of interim custody of seized properties.

Challenging the same, the petitioner has filed the present revision before this Court.

3. The learned counsel appearing for the petitioner submitted that the documents belonging to the petitioner was seized by the law enforcing agency and in view of the seizure by the law enforcing agency, the petitioner is not able to enjoy the properties. Accordingly, he prays for appropriate orders.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the properties seized from the petitioner is only documents and not perishable goods, which cannot be released at this relevant point of time, since the same is very much required for the trial. Accordingly, he prays for dismissal of the revision.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

6. Admittedly, a case has been registered in Crime No.213 of 2023 for the offence u/s 341, 294(b), 307, 506(ii) IPC and the case properties were seized from the petitioner by the law enforcing agency. Therefore, he filed a petition before the trial court seeking interim custody of the same, however, the said petition was dismissed by the trial court. It is seen from the records that the case properties are documents and the same is essential for conducting the trial. Therefore, at this point of time, it is not possible for the trial court to order for release of the case properties in favour of the petitioner. If the schedule of properties are perishable goods, the same can be released by imposing conditions by following the decision of the Hon'ble Supreme Court of India in the case of ***Sunderbhai Ambalal Desai and others Vs. State of Gujarat*** reported in ***(2002) 10 SCC 283***. However, in the present case, the case properties are only documents. Therefore, the trial



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court had dismissed the petition filed by the petitioner and the said order passed by the court below could not be termed to be erroneous, perverse or arbitrary and the same does not warrant any interference at the hands of this Court.

7. For the reasons aforesaid, this court finds no infirmity in the order impugned herein and, therefore, this revision fails and the same is dismissed.

25.06.2024

Index : Yes/No
Speaking order / Non-speaking order
NCC : Yes/No
sp

To

- 1.The Sub Inspector of Police,
Podanur Police Station,
Coimbatore District.
- 2.The District Munsif cum Judicial Magistrate Court,
Madukarai,
Coimbatore.



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M.DHANDAPANI, J.

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