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Crl.R.C.No.1107 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.1107 of 2024

Ravindhar
S/o.Chandrasekaran

... Petitioner

Vs.

The State,
Represented by The Inspector of Police,
The Central Crime Branch - 1,
Egmore, Chennai.

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w 401 of Code of Criminal Procedure, to set aside the order dated 06.11.2023 in Crl.M.P.No.45311 of 2023 on the file of the Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai by allowing this petition.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

The Criminal Revision Case is filed against the impugned order dated 06.11.2023 passed in Crl.M.P.No.45311 of 2023 by the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai.

2. The petitioner is an accused in Crime No.162 of 2023 for the offences punishable under Sections 406, 420, 465, 467, 468, 506(i) and 120B of IPC. The petitioner / accused is running a Cinema Production Company in the name and style of M/s.Libra Productions Private Limited whereas, the de facto complainant is running a Cinema Production Company in the name and style of M/s.Madav Media Private Limited. During the course of their business, several financial transactions took place between them. At this juncture, the de facto complainant said to have invested a sum of Rs.15 Crores in the project of the petitioner, i.e., non-renewable energy plant to convert the waste into energy. However, the allegation as against the petitioner is that the alleged project was also not started and the amount



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invested by the de facto complainant was not repaid and hence, the de facto complainant has lodged a complaint in the above Crime No.162 of 2023.

During the investigation, the respondent Police has seized the movable properties from the custody of the petitioner, namely, **(i)** Silver

Colour Lenovo Ideal Pad Model 3540 Laptop (1 No.), **(ii)** Silver Colour

Apple Laptop Model A2141 (1 No.), **(iii)** Silver Colour Apple IME-A2115-

27 inches (2 No.), **(iv)** Silver Colour Apple IME Model A1312 (1

No.), **(v)** Silver Colour Apple IME Model A1312 (1 No.) and **(vi)** Samsung

Cellphone White Colour (1 No.). Therefore, the petitioner filed a petition

under Section 451 of Cr.P.C. before the learned Metropolitan for Exclusive

Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID

Metro Cases, Egmore, Chennai in Crl.M.P.No.45311 of 2023 for return of

the above seized properties and the same was dismissed by the trial Court on

06.11.2023. Challenging the same, the present revision has been filed by the

petitioner.



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3. The learned counsel appearing for the petitioner submitted that keeping the above seized properties idle in the Police Station would deteriorate and diminish its value and the same will no longer serve any purpose and further, no prejudice will be caused to the prosecution if the above said properties are returned to the petitioner. He further submitted that the seized properties from the petitioner are in no way connected to the crime and the petitioner is ready to abide any conditions imposed by this Court.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the investigation is not completed and the datas comprised in the above said properties are necessary for the investigation and if the same is returned, there are more chances of petitioner tampering the evidences and thereby, the trial Court, after careful consideration of the above said facts, dismissed the petition filed by the petitioner seeking return of properties and the same does not warrant interference of this Court. He



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further submitted that out of 15 Crores, the above seized properties were purchased by the petitioner.

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

6. It could be seen that the respondent Police registered a case in Crime No.162 of 2023 against the petitioner for the offences punishable under Sections 406, 420, 465, 467, 468, 506(i) and 120B of IPC. During the pendency of the investigation, they seized the subject property belonging to the petitioner on 25.09.2023. While so, the petitioner preferred the petition seeking return of the subject property, which was dismissed by the trial Court, by order dated 06.11.2023 on the premise that the investigation is at preliminary stage. Aggrieved over the same, the petitioner is before this Court with the present criminal revision. Considering the facts and circumstances of the case and also the fact that the return of properties will



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lead to manipulation of details and tampering of prosecution evidence and that since the investigation is at preliminary stage, other accused have to be investigated and the seized properties have to be sent to the Forensic Science Department, this Court is of the view that since the subject property is a material evidence and is very much essential for investigation of the case and that, the seized properties have to be sent to the Forensic Science Department, the order passed by the Court below in dismissing the petition filed by the petitioner for return of property, does not call for any interference.

7. In such view of the matter, this Criminal Revision Case fails and is accordingly, dismissed.

08.07.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji



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To
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1. The Metropolitan Magistrate for Exclusive Trial
of CCB Cases (Relating to Cheating Cases in Chennai)
and CBCID Metro Cases,
Egmore,
Chennai.
2. The Inspector of Police,
The Central Crime Branch - 1,
Egmore,
Chennai.
3. The Public Prosecutor,
Madras High Court,
Madras.



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M.DHANDAPANI, J.

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