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Crl.R.C.No.821 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE **P.VELMURUGAN**

Crl.R.C.No.821 of 2021

Alfred Thinakaran

...Petitioner

- Vs-

The State by Assistant Commissioner of Police,
Central Crime Branch CCB-1
(job racketing)
Office of Commissioner of Police,
Vepery, Chennai-7

...Respondent

Prayer: Criminal Revision Case filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order passed by the trial Court in Cr.M.P.No.6993 of 2021 in C.C.No.24 of 2021 on the file of the Additional Special Court for Trial of Criminal Cases related to Elected Members of parliament and Members of Legislative Assembly of Tamil Nadu, Chennai.

For Petitioner : Mr.S.Jeganathan

Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)



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ORDER

This petition has been filed challenging the order of dismissal of the miscellaneous petition filed by the petitioner seeking return of documents, dated 17.08.2021 passed by the learned Assistant Sessions Judge, Additional Special Court for trial of Criminal Cases related to Elected Members of Parliament and Members of Legislative of Tamil Nadu, Chennai.

2 Learned counsel for the petitioner would submit that the petitioner was arrayed as A4 in C.C.No.24 of 2021. The respondent police, during further investigation, had seized some documents from the house of the petitioner, which are no way connected with the alleged offence. Further the respondent police had also frozen the petitioner's bank locker and savings account and after detailed enquiry, de-froze the same, since it is not connected with the alleged offence, but did not return the documents. Therefore the petitioner filed petition under Sections 451 and 457 of Cr.P.C.



seeking return of documents, but the learned Assistant Sessions Judge, without considering the fact that the documents are no way connected with the offence, dismissed the petition, which needs interference of this Court.

3 Learned Government Advocate (Crl.Side) for the respondent would submit that in this case after completing investigation, charge sheet was filed and the same was taken on file. But, as per the directions of this Court in the petition filed by one of the victims, further investigation was conducted and at that point of time the respondent police seized some documents from the petitioner. Now further investigation completed, which reveals that the documents are no way connected with the offence.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 It is seen that pending further investigation, the petitioner, who was arrayed as A4 in the case, has filed petition seeking return of documents, which were seized during further investigation. Therefore the



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learned Assistant Sessions Judge dismissed the petition observing that pending investigation in the case of job racketing, the documents seized could not be returned. Now the learned Government Advocate (Crl.Side) stated that further investigation completed, which revealed that the documents seized from the petitioner are no way connected with the offence.

6 In view of the statement made by the learned Government Advocate (Crl.Side), the petitioner is directed to approach the Additional Special Court for Trial of Criminal Cases related to Elected Members of parliament and Members of Legislative Assembly of Tamil Nadu, Chennai, for return of documents.

7 With the above directions, this criminal original petition stands disposed of.

15.11.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No

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To
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1. The Assistant Sessions Judge,
The Additional Special Court for Trial of Criminal Cases
related to Elected Members of parliament and Members
of Legislative Assembly of Tamil Nadu, Chennai.
2. The State by Assistant Commissioner of Police,
Central Crime Branch CCB-1 (job racketing)
Office of Commissioner of Police, Vepery, Chennai-7.
3. The Public Prosecutor, Madras High Court.



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P.VELMURUGAN, J.,

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