



Crl.R.C.No.1000 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM :

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

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J.Ramesh

... Petitioner

Vs.

The State,
Represented by Assistant Sub-Inspector,
Railway Police Force,
Chennai Central – 03,
Chennai.
(Crime No.3116 of 2020)

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, praying to set aside the order dated 02.02.2021 passed by the Special Metropolitan Magistrate for Railways in C.M.P.No.46-A/2020 in Crime No.3116 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Harshavarthan
for M/s.Govind Chandrasekhar

For Respondent : Mr.M.Vijay Anand
Senior Counsel



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ORDER

This Criminal Revision Case has been filed by the petitioner against the order passed by the learned Special Metropolitan Magistrate for Railways, Chennai Central in C.M.P.No.46-A of 2020, dated 02.02.2021.

2. The case of the petitioner is that, the prosecution has alleged a false case against him stating that he had engaged in illegal Railway Ticket booking and has seized all records and material objects from his office. The properties which were seized from the petitioner are (i)one black colour assembled CPU, (ii) black colour small size DELL Company CPU, (iii) black colour ACER Company LED Monitor, (iv)white colour D-Link (VDSL/ADSL) router, (v) HP Laser Jet Printer and (vi) one gold colour Samsugn Mobile Phone. Apart from that, tickets worth about Rs.24,199/- were also seized and a case in Crime No.3116 of 2020 has been registered against the petitioner. Thereafter, the petitioner moved a petition u/s 451 and 457 of Cr.P.C seeking return of seized properties in Crime No.3116 of 2020 before the learned Special Metropolitan Magistrate for Railways, Chennai Central, in C.M.P.No.46-A of 2020.



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The trial court vide order dated 02.02.2021 ordered for return of properties in (iv) and (v) and rejected the claim of interim custody of the properties in (i), (ii), (iii) and (vi). Challenging the same, the present revision has been filed by the petitioner.

3. The learned counsel appearing for the petitioner submitted that all the increminating materials were recovered from the petitioner, in which, the law enforcing agency had downloaded the entire files from the CPU and mobile phone. Hence, after retrieving the entire informations from the CPU and mobile phone, keeping the CPU and mobile phone is not sustainable. Accordingly, he prays for appropriate orders.

4. Per contra, the learned Standing Counsel appearing for the respondent police submitted that, subsequent to the filing of present criminal case, two FIRs have been registered against the petitioner for the similar offence. Further, the learned Senior Counsel submitted that, till the conclusion of trial, the CPU and mobile phone are necessary for the purpose of retrieving the information available in the above said CPU and mobile phone. Therefore, the learned Senior Counsel vehemently opposed



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for returning the said properties to the petitioner. However, the learned Senior Counsel has no objection for returning the monitor to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Senior Counsel appearing for the respondent police and also perused the materials available on record.

6. It is alleged that the properties which are used for illegal business of procuring and selling of Railway Reserved E-Tickets were seized by the respondent police from the petitioner. In view of the submissions made by the learned Senior Counsel appearing for the respondent police and considering the fact that the return of properties in (i), (ii) and (vi) will lead to manipulation of details and tampering of prosecution and evidence, this court is not inclined to interfere with the order of the trial court in this regard. However, this Court orders for the return of property in (iii) viz., black colour ACER Company LED Monitor with the following conditions :-

(i) The petitioner shall not make any changes or



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destroy the property;

(ii) The petitioner shall undertake to produce the property as and when required by the court below.

7. Accordingly, the Criminal Revision Case is partly allowed in the above terms.

29.04.2024

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

To

1.The Special Metropolitan Magistrate for Railways,
Chennai Central,
Chennai – 600 003.

2.The Assistant Sub-Inspector,
Railway Police Force,
Chennai Central – 03,
Chennai.



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M.DHANDAPANI, J.

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