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Crl.A.No.1126 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM : JUSTICE **N.SESHASAYEE**

Crl.A.No.1126 of 2024

Anil Kumar Meena

... Petitioner / Accused 1

Vs.

The Sub Inspector of Police
SPE : CBI : ACB, Chennai
(RC MA1 2017 A 0007)

... Respondent / Complainant

Prayer : Criminal Appeal filed under Section 500 of BNSS (Section 454 of Cr.P.C.,) praying to call for the records in Crl.M.P.No.5260 of 2024 and set aside the order dated 19.08.2024 passed by the learned XII Additional Special Judge for CBI Cases, at Chennai (FAC) XIV Additional Special Judge for CBI cases, Chennai in Crl.M.P.No.5260/2024 in C.C.No.39/2017.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor (CBI)



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JUDGMENT

This appeal is preferred by A1 in C.C.No.39/2017 on the file of XIV Additional Special Court for CBI cases, Chennai, seeking for return of certain papers seized by CBI vide Ext.P160 search list.

2. The XIV Additional Special Court for CBI cases had convicted the appellant herein and the appellant too had preferred Crl.A.No.256 of 2024 before this Court, challenging the said judgment.

3. So far as the petition in Crl.M.P.No.5260 of 2024 is concerned, the appellant/petitioner seeks return of document in Item No.1 in Ext.P160, search list. The said petition was dismissed by the trial Court on the ground that the appeal against conviction is pending before this Court in Crl.A.No.256 of 2024. Hence, the appellant has come forward with this appeal challenging the said order of the trial Judge.

4. The learned Prosecutor makes a fair statement on his side that the document whose return is now sought for (Item No.1 in Ext.P160), was not



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relied upon by the prosecution and therefore, it has no objection to return the said document. The said statement of the learned Prosecutor is recorded.

5. In view of the same, this appeal is allowed and the document in Item No.1 alone in Ext.P160 is directed to be returned by the trial Court.

25.09.2024

ds

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

To:

1.The XII Additional Special Judge for CBI Cases,
(FAC) XIV Additional Special Court for CBI cases
Chennai

2. The Public Prosecutor
High Court, Madras.



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N.SESHASAYEE.J.,

ds

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