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CRL RC No. 506 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2025

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN

CRL RC No. 506 of 2025

1. Yashwant J Moorjani
S/o.L.Jaikrishnan,
Tower-3, Flat-201,
Ceebros One 74 Apartments,
Sathyadev Avenue, MRC Nagar,
Chennai - 600 028.

Petitioner(s)

Vs

1. The State Represented By
The Inspector Of Police,
Delta-1 Cyber Crime Branch,
Central Crime Branch, Vepery,
Chennai - 600 007.
Crime No.310 Of 2024

Respondent(s)

PRAYER: This Criminal Revision Petition is filed under Sections 438 & 442 of BNSS, to set aside the order dated 28.02.2025 passed in CrI.M.P.No.1168 of 2025 by the learned XI Metropolitan Magistrate, Saidapet, Chennai.



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For Petitioner(s): Mr.Puhazh Gandhi

For Respondent(s): Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Revision Petition has been filed seeking to set aside the order dated 28.02.2025 passed in CrI.M.P.No.1168 of 2025 by the learned XI Metropolitan Magistrate, Saidapet, Chennai.

2. Learned counsel for the petitioner submitted that the respondent-Police registered a case against the petitioner in Crime No.310 of 2024 for the offences punishable under Section 408 IPC read with Sections 66, 43(a) and 43(b) of Information Technology Act, 2000. He further submitted that the petitioner has been falsely implicated in this case and that he has not committed any offence as alleged by the prosecution. He was also granted anticipatory bail by this Court vide order dated 20.01.2025 in CrI.O.P.No.31076 of 2024. He has filed a petition in CrI.M.P.No.1168 of 2025 before the Court below, seeking return of property. The Court below vide impugned order dated 28.02.2025, rejected the petitioner's request. Aggrieved by the same, the petitioner has filed this revision petition.



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3. Learned Additional Public Prosecutor appearing for the respondent-Police submitted that the petitioner was the erstwhile employee of the defacto-complainant's company that he was stated to have stolen confidential information and divulged the same to the third parties and that Cyber crime is involved in this case. He further submitted that investigation is pending, that Pending investigation, if interim custody of the property is granted, there is a possibility of tampering with the evidence and that the learned Magistrate considered the nature of offence, rightly dismissed the petition. Hence, he prayed for dismissal of this petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent-Police and perused the materials available on record.

5. Admittedly, the respondent-Police registered a case against the petitioner herein, for the offences punishable under Sections 408 IPC read with Sections 66 read with 43(a) and 43(b) of IT Act, 2000. The main allegation as against the petitioner is that by using the subject matter of property, the petitioner has stolen the data of the defacto complainant's company, due to



which, the defacto complainant incurred a loss. It is submitted that the investigation is not yet completed. Hence, pending investigation, it is not advisable to grant interim custody of the property. If it is granted, there is a possibility of removing/deleting the data. Hence, this Court finds that there is no illegality or irregularity in the order passed by the Court below and the same does not warrant interference.

6. In view of the same, this Criminal Revision Petition is dismissed.

02-04-2025

mfa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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1. The XI Metropolitan Magistrate,
Siadapet, Chennai.
2. The Inspector Of Police,
Delta-1 Cyber Crime Branch,
Central Crime Branch,
Vepery, Chennai - 600 007.
3. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN J.

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