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Crl.RC.Nos.851 and 930 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL RC NO.851 of 2023

AND

CRL RC NO. 930 OF 2023

CRL RC NO. 851 of 2023

S.Sreekumar

S/o.N.Sukumaran Nair, No.A120,110/b,Shanthi
Colony,
4th Avenue,
Anna Nagar West,
Chennai - 600 040.

...Petitioner(s)

Vs

The Inspector of Police,
Central Crime Branch, Egmore,
Chennai.

Respondent(s)

CRL RC NO. 930 of 2023

S.Sreekumar

S/o.N.Sukumaran Nair, No.A120, 110/b,
Shanthi Colony, 4th Avenue, Anna Nagar
West, Chennai 600 040.

Petitioner(s)

Vs

Inspector Of Police
Central Crime Branch, Egmore,
Chennai.

Respondent(s)



Crl.RC.Nos.851 and 930 of 2023

Prayer in Crl.R.C.No.851 of 2023: This Criminal Revision Petition has been filed under Section 397 r/w 401 of the Cr.P.C., to set aside the common order passed by the learned Magistrate in Crl.M.P.No.506, 507, of 2018 in C.C.No.4517 and 4518 of 2002 pending on the file of the learned Metropolitan Magistrate for CCB and CBCID cases Egmore.

Prayer in Crl.R.C.No.930 of 2023: This Criminal Revision Petition has been filed under Section 397 r/w 401 of the Cr.P.C., to set aside the order passed by the learned Magistrate in Crl.M.P.No.506 of 2018 in C.C.No.4517 of 2002 pending on the file of the learned Metropolitan Magistrate for CCB and CBCID cases Egmore.

For Petitioner(s):

M/s C.Rajan

For Respondent(s):

Mr.S.Udayakumar Govt Advocate (Crl Side)

CRL RC NO. 930 of 2023

For Petitioner(s):

M/S C.RAJAN

For Respondent(s):

MR.S.UDAYAKUMAR GOVT ADVOCATE
(CRL SIDE)

COMMON ORDER

The revisions challenge the dismissal of the petitioner's applications filed under Sections 451 r/w 457 of the Cr.P.C., seeking return of the original Sale Deed bearing Doc.No.1823 of 2001, dated: 07.06.2001 and the petitioner's Passport bearing No.373353 respectively seized from the petitioner during the course of the investigation in Crime No.461 of 2001.



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2. The petitioner was an accused in C.C.Nos.4157 and 4518 of 2022 for the alleged offences under Sections 406 and 420 r/w 34 of the Indian Penal Code. During the course of investigation, his Sale Deed and the Passport were seized by the respondent.

3. It is seen that though the FIR was filed in the year 2001 and the final report was filed in the year 2002, the trial is yet to commence. It is also seen that during the course of investigation, the petitioner's flat was also sealed and pursuant to the orders of this Court in Crl.R.C.No.957 2002, dated 09.07.2002, the keys of the flat was handed over to the petitioner. The Deputy Commissioner of Police, CCB sent a letter to the Government of Tamil Nadu, to attach the said property under the Criminal Law Amendment Ordinance, 1944 and the interim order of attachment was passed by G.O.Ms.No.700 dated 09.08.2002. The learned Chief Judge, Court of Small Causes, in Crl.M.P.No.1 of 2020 however raised the order of attachment, by an order dated 10.06.2022. The said order has not been challenged by the respondent. While so, the petitioner sought for return of the Sale Deed to enable him to sell the property and also sought for return of the Passport seized. The above facts are not



disputed by the respondent.

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4(i). The learned counsel for the petitioner would submit that though the seizure memo does not specifically mention the seizure of the Sale Deed, the respondent could not have made a request to the Government for attachment without the original Sale Deed and therefore, the document is in possession of the respondent and in any case, they are liable to obtain the same from the Government.

4. (ii) The learned counsel for the petitioner pointed out to the requisition letter, sent by the respondent to the Government, in which, it is stated that the copy of the document is attached for further action.

5. The learned Government Advocate (Crl.Side) for the respondent, *per contra*, submitted that what was seized was only a copy of the Sale Deed and not the original and therefore, the original is not in their custody. As regards the Passport, the learned Government Advocate (Crl.Side), on instructions would submit that the Passport is not available in the records.

6. Heard the learned counsels on either side and perused the materials available on record.



7. The Seizure Memo lists out fourteen documents that were seized from the petitioner. The Seizure Memo only refers to the Passport of the petitioner and not the Sale Deed. If the respondent had seized only the copy of the document, the same should have found place in the Seizure Memo which is not so. It is the case of the petitioner that unless, the Sale Deed is produced and the attachment order would not be passed. Since the Seizure Memo does not contain any details, it is not known as to what exactly was seized by the respondent. Further, the Passport which was seized from the respondent is also not available in the records. In such circumstances, this Court is of the view that the version of the petitioner that the Sale Deed was seized by the respondent is probable.

8. When this Court heard this matter on 08.01.2025, this Court directed the learned Government Advocate (Crl.Side), to take instructions as to whether a Non traceable certificate can be issued to the petitioner in respect of both the Sale Deed and the Passport. The respondent had filed a counter, which reads as follows:

“11. It is submitted that if the petitioner/accused seeks a missing certificate for the original sale deed of his property and files a petition before the Jurisdictional local police station to procure a non-traceable certificate,



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appropriate action will be taken in accordance with the law upon receipt of the petition.”

9. In view of the above said facts and the aforesaid counter, the respondent police shall issue a Non-Traceable certificate forthwith in respect of (i) Sale Deed, bearing Document No.1823 of 2001 on the file of SRO, Anna Nagar, dated: 07.06.2001 and (ii) Passport bearing No.373353, to the petitioner.

10. With the above observations, the Criminal Revision Cases are disposed of.

30-01-2025

dk

Index : Yes/No

Neutral citation

CRL RC NO. 851 of 2023

To
1. The Inspector Of Police
Central Crime Branch,
Egmore, Chennai



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1. Inspector Of Police
Central Crime Branch, Egmore, Chennai.

SUNDER MOHAN, J.

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