



Crl.R.C.(MD)No.977 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.977 of 2024

Ramselva @ Selva Vignesh

... Petitioner

Vs.

The Inspector of Police,
Cyber Crime Police Station,
Theni District.
Crime No.16 of 2024.

... Respondent

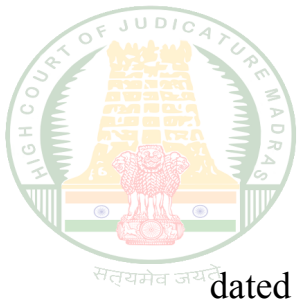
PRAYER : Criminal Revision Petition filed under Sections 438 r/w 442 of BNSS., to call for the records connection with the order in Cr.M.P. No.5933 of 2024, dated 30.08.2024 passed by the learned Judicial Magistrate, Theni, to set aside the same.

For Petitioner : Mr.S.Malaikani

For Respondent : Mrs.M.AAsha,
Government Advocate (Crl.Side)

ORDER

The Criminal Revision is directed against the order passed by the learned Judicial Magistrate, Theni, in Cr.M.P.No.5933 of 2024



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dated 30.08.2024, dismissing the petition filed under Section 451 of Cr.P.C., seeking interim custody of the cell phone.

2.It is evident from the records that the respondent police seized the Apple i-phone from the petitioner in connection with the case in Crime No.16 of 2024 for the offence under Sections 153(A), 295 A and 505(2) of IPC and the property was produced before the concerned Court and the same came to be remanded. The petitioner has moved an application before the concerned Court, seeking interim custody and the learned Magistrate, by observing that the cell phone was sent to the forensic laboratory, Madurai, dismissed the petition.

3.When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) would submit that they have received the report from the forensic laboratory and that they have already completed the investigation and filed the final report before the learned Judicial Magistrate, Theni and the same was taken on file in C.C.No.97 of 2025.



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4.Since the report has been received from the forensic laboratory and charge sheet has already been filed, this Court is of the view that the matter is to be remitted back to the learned Magistrate to consider the application afresh and pass orders.

5.In the result, the Criminal Revision Case is allowed and the impugned order in Cr.M.P.No.5933 of 2024, dated 30.08.2024 passed by the learned Judicial Magistrate, Theni, is set aside and the matter is remitted back to the Judicial Magistrate Court, Theni. The learned Judicial Magistrate, Theni, is directed to restore the same on his file and consider the application afresh taking note of the subsequent developments and pass orders in accordance with law.

06.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Crl.R.C.(MD)No.977 of 2024

K.MURALI SHANKAR,J.

das

To

- 1.The Judicial Magistrate , Theni.
- 2.The Inspector of Police,
Cyber Crime Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.R.C.(MD)No.977 of 2024

Dated: 06.03.2025