(2014) 11 MAD CK 0024

Madras High Court

Case No: Crl. R.C. No. 1071 of 2014

C. Deivakani		APPELLANT
	Vs	
State		RESPONDENT

Date of Decision: Nov. 6, 2014

Acts Referred:

- Penal Code, 1860 (IPC) - Section 294(b), 354, 406, 420, 465

Hon'ble Judges: C.T. Selvam, J

Bench: Single Bench

Judgement

@JUDGMENTTAG-ORDER

C.T. Selvam, J.
This revision arises against the order of learned Judicial Magistrate I, Ponnamallee, passed in Crl.M.P. No. 4349 of 2014 in Crime No. 346 of 2014 on 08.09.2014.

2. Upon the complaint of the petitioner informing that the accused persons had cheated and threatened her, a case was registered in Crime No. 346 of 2014 on the file of the respondent for offences u/s. 406, 420, 354, 294(b), 465, 468, 471 and 506(ii) IPC. Pursuant thereto, the property documents of the petitioner have been recovered from the accused. The same were submitted before learned Judicial Magistrate I, Ponnamallee. Petitioner has filed Crl.M.P. No. 4349 of 2014 in Crime No. 346 of 2014 before the Court below seeking return of documents. Under orders dated 08.09.2014, such petition was dismissed. Hence, this revision.

3. Heard learned counsel for the petitioner and learned Government Advocate (Crl. side).

4. In circumstances where the documents return of which have been sought by the petitioner undoubtedly belong to her and no forensic examination thereof is necessary, this Court is inclined to allow this revision. This Criminal Revision is allowed. The order of learned Judicial Magistrate I, Ponnamallee, passed in Crl.M.P. No. 4349 of 2014 in Crime

No. 346 of 2014 on 08.09.2014, is set aside.

Following the rationale of the judgment in Sunderbhai Ambalal Desai and C.M. Mudaliar Vs. State of Gujarat, , this Court directs return of documents to the petitioner after complying with the following:

(i) the Court below shall cause photocopies of documents to be taken and record panchanama thereof, the photocopies taken shall be read as secondary evidence during trial and production of documents shall be dispensed with. Such photocopies shall be attested by Investigation Officer, accused as well as by the petitioner to whom custody is to be handed over; and

(ii) the documents shall then be returned to the petitioner, who shall be at liberty to deal with the same in such manner as considered appropriate.