

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

Present: E. Pravin Kumar, B.A.,B.L.,

Judicial Magistrate No.V, Madurai

Tuesday 4th day of August 2020

Crmp.No.578/ 2020

Balaji

S/o.Sundararajan

...Petitioner/Third
party/Owner of the property

vs

State rep. by Inspector of police,

S.S.Colony Police Station,

Crime No.1444/2020

U/sec. 364A, 342, 368, 324, 506(2) IPC

... Respondent/Complainant

For petitioner/accused: Thiru.K.S.Rajan, B.A.,B.L., Advocate

For Respondent/Complainant: Mrs.R.Thilagarani,M.L.,Grade II Assistant Public Prosecutor

04.08.2020.

ORDER

1. This petition is filed U/s.457 and 451 IPC For returning of the property viz Redme Cell Phone remanded in R.P.R.No. 216 /2020 as interim custody to the petitioner.

2. Notice issued and the prosecution has filed their reply.

3. The learned counsel for the petitioner would contend that the case property belonged to the petitioner. This petitioner states that he was talking with one Renganathan and at that time the accused in this case kidnapped Reganathan and also snatched this petitioner's mobile. FIR was registered in Crime No.1444/2020 on the file of S.S.Colony P.S. for offence U/sec. 364A, 342, 368, 324, 506(2) IPC and now the property is said to have been seized by the police and handed over in court. This petitioner is not involved in any way in this case. This petitioner has produced the original bills for the mobile. This property is in no way connected to the case. Hence, the petitioner prays that this petition may be allowed.

4. On the other hand the prosecution has stated the property M1 cellphone seized from the accused1 (boominathan)According to IO's report investigation officer pending in stage. The investigation officer is going to investigate the call details of this property. Investigation is also pending in stage. As this petitioner is a third party if the property is

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returned to his petitioner if the property is returned to his petitioner he may alienate the above said property and he may not produced at the trial. Hence prosecution strongly object to return the property to the petitioner. Hence this petition may be dismissed.

5. This court has taken into consideration all the above facts and circumstances of the case and gravity of offence. On perusal of records it can be seen that this cell phone was recovered from A1 Boominathan. The investigation of this case is still pending. Further, the prosecution has stated that the cellphone is needed to trace the call details. Hence, considering all the above facts and that the case is under investigation stage, the arguments of prosecution that the cell phone is needed for tracing call details takes relevance. Hence, in the interest of justice, this petition is dismissed.

(Sd/- E.Pravin kumar)
Judicial Magistrate No. V,
Madurai.