

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.16238 of 2015

Raman ... Petitioner
Vs

The Inspector of Police,
Bramadesam Police Station,
Cheyyar Taluk,
Tiruvannamalai District. ... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the learned Mahila Judge, Fast Track Court, Tiruvannamalai, to permit the petitioner to comply with the order dated 06.11.2012 in CMP No.5904 of 2012 by the learned Judicial Magistrate, Cheyyar.

For Petitioner :Mr.L.Dhamodaran

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

Seeking a direction to the learned Mahila Judge, Fast Tract Court, Tiruvannamalai, to permit the petitioner to comply with the order dated 06.11.2012 in CMP No.5904 of 2012 by the learned Judicial Magistrate, Cheyyar, the petitioner has come up with this petition.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the material placed on record.

3.It is seen that the petitioner herein is the defacto complainant, lodged a complaint before Bramadesam Police Station registered in Crime No.234 of 2012 in which certain properties were recovered by the police. Thereafter, the petitioner filed an application in CMP No.5904 of 2012 under Section 451 CrPC before the learned Judicial Magistrate, Cheyyar, for return of the seized articles. The learned Judicial Magistrate, Cheyyar, allowed the petition on 06.11.2012, on certain conditions but, the petitioner did not comply with the conditions. In the meantime, the police completed the investigation and filed the final report and the matter has been committed to the Court of Sessions and the same is numbered as S.C.No.30 of 2014. Now, the petitioner is seeking for a direction to the Sessions Judge, to implement the order of the learned Judicial Magistrate, Cheyyar.

4. In my considered opinion, such a direction cannot be given to implement the order of the learned Judicial Magistrate, Cheyyar, who is subordinate to Sessions Judge. Hence, this Criminal Original Petition is dismissed with liberty to the petitioner to move before the Sessions Court, if so advised, for return of articles under Section 451 CrPC.

With the above direction, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

mps

To

1. The Judicial Magistrate,
Cheyyar.

2. The Inspector of Police,
Bramadesam Police Station,
Cheyyar Taluk,
Tiruvannamalai District.

3. The Public Prosecutor,
High Court, Chennai.

1 cc to Mr. L. Dhamodaran, Advocate Sr.No.33075

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pmk.15.7.2015

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