

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.16378 of 2015

Saraswathy

.. Petitioner/Accused.

Vs

State rep.by

The Inspector of Police,
B-1, North Beach Police Station,
Chennai-01.

.. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent Police to return the petitioner vehicle (Toyoto Fortuner) bearing registration No.TN-05 AY-1234 involved in Crime No.502 of 2015 on the file of the respondent Police.

For Petitioner :Mr.Venkatramani, Senior Counsel for
Mr.S.Senthilmurugan

For Respondent :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Seeking a direction to the respondent police to return the petitioner's vehicle (Toyoto Fortuner) bearing registration No.TN-05 AY-1234, involved in Crime No.502 of 2015, pending on its file, the petitioner has come up with this petition.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

3. From a perusal of the materials available on record, it is seen that this petitioner is the owner of a Toyoto Fortuner car bearing registration No.TN-05 AY-1234 and that on 03.06.2015, she was proceeding from her office situated in Armenian Street to her residence. When she was passing through the George Town Court, an incident involving Mr.Sathiya, a practicing Advocate of George Town Court, took place.

4. On a complaint given by this petitioner, the respondent Police registered a case in Crime No.503 of 2015 under Sections 341, 294(b), 323, 506(i) IPC against advocate Mr.Sathiya.

5. On a complaint given by Advocate Mr.Sathiya, the respondent Police registered a case in Crime No.502 of 2015 against this petitioner for offences under Sections 323 and 506(i) IPC.

6. The Toyoto Fortuner car of this petitioner has been seized by the respondent Police in Crime No.502 of 2015. This petitioner was granted Anticipatory Bail in CrI O.P.14363 of 2015 on 12.06.2015 and the petitioner was permitted to furnish sureties to the satisfaction of learned XVIII Metropolitan Magistrate, Saidapet, though an FIR is pending in VII Metropolitan Magistrate Court, George Town, Chennai, since the defacto complainant being an advocate, is not permitting the petitioner to furnish sureties. When the petitioner filed an application under Section 451 Cr.P.C. in CrI M.P.No.108 of 2015, before the VII Metropolitan Magistrate Court, George Town, Chennai for return of her car, the defacto complainant is preventing the petitioner again, from even appearing before the Court. Hence, the petitioner has approached this Court. The Toyoto Fortuner car is now stationed in the Police Station and it is gathering dust.

6.The offences alleged against the petitioner are under Sections 323, 506(i) IPC. In the considered opinion of this Court, the car is not a material object that is required to be marked in the trial for the offences under Sections 323 and 506(i) IPC.

7. Under such circumstances, this Court directs the respondent Police to take photographs of the car and return the car to the petitioner, on the petitioner furnishing a bond of Rs.10,000/- with two sureties to the satisfaction of the investigating Officer. Thereafter, the Investigating Officer is directed to send a report with the photographs to the VII Metropolitan Magistrate, George Town, Chennai.

8.This Criminal Original Petition is ordered with the above direction.
dn

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The VII Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
B-1, North Beach Police Station, Chennai-01.
3. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.S.Senthilmurugan, Advocate SR 33487

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