

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

Cr1.O.P.No.4723 of 2015

K.J.Shamshad

...Petitioner

vs.

1. The State, rep. by
The Inspector of Police,
All Women Police Station,
Kancheepuram, Kancheepuram District.

2. P.S.Mohammed Asharf
3. Balkis

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct the first respondent to comply with the directions issued by the District Welfare Officer, Kancheepuram, and to seize the articles mentioned in the petitioner's complaint, in Crime.No.14 of 2013, on the file of the respondents 2 and 3.

For Petitioner : Mr.A.M.Rahamath Ali

For Respondent-1: Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

Heard the learned counsel appearing for petitioner.

2. It is submitted by the learned Additional Public Prosecutor for first respondent/Police that First Information Report was registered in Cr.No.14 of 2013, on the file of All Women Police Station, Kancheepuram, Kancheepuram District, and after investigation, it was chargesheeted in C.C.No.217 of 2015, on the file of the Judicial Magistrate, Kancheepuram, and the same is pending. Now, this Petition is filed by the petitioner/wife to help her to recover 40 sovereigns of gold and case of Rs.5,00,000/- given at the time of marriage, from the husband, as per the letter of the District Social Welfare Officer, Kancheepuram, dated 12.10.2013. The learned Additional Public Prosecutor submitted that, having regard to

the fact that the chargesheet was filed, the petitioner has to move the Judicial Magistrate, Kancheepuram, seeking for custody of the articles remanded in that case, and the learned Additional Public Prosecutor is not in a position to say whether any articles are remanded in that case, while filing final report.

3. In view of the above submission, this Criminal Original Petition is disposed of, by directing the petitioner to approach the learned Judicial Magistrate, Kancheepuram, to file necessary application in connection with C.C.No.217 of 2015, seeking for custody of articles, if any remanded in that case. If no articles were remanded, it is open to the petitioner to file application and get recovery of the same.

sd

-s/d-
Assistant Registrar(J)
Dt:25/3/2015

True Copy

Sub-Assistant Registrar

To

- 1 The Inspector of Police,
All Women Police Station,
Kancheepuram, Kancheepuram District.
2. The Public Prosecutor,
High Court, Madras.
3. The Judicial Magistrate,
Kancheepuram,
4. -do- thro' The Chief Judicial Magistrate,
Kancheepuram.

+ 1 cc to Mr.A.M.Rahamath Ali, Advocate SR 14279

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