

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM

THE HONOURABLE DR.JUSTICE P.DEVADASS

Cr1.O.P.No.23815 of 2015

K.R.Selvaraj .. Petitioner

Vs

State by :

1. Deputy Commissioner of Police,
Rajaji Salai, Flower Bazaar,
Chennai - 1.

2. The Inspector of Police,
P3 Police Station,
Fort, Chennai - 9.
FIR.No.75/04

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondent police to produce the properties namely 1) Employment ID Card, 2) Personal Diary, 3) Employment letters, 4) Photos and 5) Shoulder bag at the time of his arrest in Cr.No.75 of 2004 on the file of P.3 Police Station, Fort, Chennai - 9.

For Petitioner : Mr.K.R.Selvaraj

Party-in-person

Assisted by Ms.Henrietha Chinnathambi
(Legal aid Counsel)

For Respondent : Mr.P.Govindarajan

Additional Public Prosecutor

ORDER

Mr.Selvaraj, Party-in-Person, is being represented by the legal aid panel Advocate Ms.Henrietha Chinnathambi.

2. The petitioner was prosecuted for he having attempted to burn National Flag and the photo of Mahatma Gandhi and was convicted and sentenced to three months imprisonment. He has undergone the sentence.

3. His grievance is, while he was arrested his identity card, his photo, employment card, employment letters and a personal diary contained in a jolna bag (shoulder bag) have been seized by the police. However, his said personal properties were returned to him.

4. In this regard, he has already filed a petition, which has been enquired into by the learned XVIII Metropolitan Magistrate and IV Additional Sessions Judge, Chennai and a revision was also enquired into by this Court. All have concluded that the petitioner has not established his case.

5. However, during the enquiry, now it transpires that the shoulder bag has been submitted by the police to the learned VII Metropolitan Magistrate under Form 95. So, it is required to be returned to him.

6. As regards the other remaining items, the police version is that some of the items were returned. As regards some of the items, they say that they have not seized them. However, the petitioner submitted that they have seized them. So contradictory allegations have been made. In such circumstances, under 482 Cr.P.C., we cannot convert ourselves a Court of fact.

7. The state of affairs shows that the petitioner has suffered sufficiently. We know the ordeal of persons like him coming to the Court. Already he has suffered mental agony. Let us not add fuel to the fire. Let him forget the Court. Of course he may not forget the police and their successful prosecution. But definitely it will be horrendous and daunting experience for him. However, past is past. Now, posterity is the crux for him. He is not a match, physically and financially to waste his useful time in entering into an adventure, which is going to be a misadventure.

8. As stated, the Jolna bag must be returned to him. He might have some personal attachment to that. Every one has their own views, philosophies and perspectives. Sometimes, it may be useless and wooden. It is his right to cling to his own philosophy. For that he cannot be said to be less of a human being. Thus, I am of the view that let us not waste our time and also make him to waste his time. Time is so precious and important to Court, so also to him.

8. In the circumstances, the learned VII Metropolitan Magistrate, George Town, Chennai is directed to return the property/shoulder bag deposited in P.R.No.643 of 2004 in Crime No.75 of 2004 (C.C.No.10027 of 2004) to the petitioner. The learned Magistrate shall fix a date and send a notice to the petitioner.

8. Accordingly, this Criminal Original Petition is disposed of.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

vrc

To

1. The IV Additional Sessions Judge
City Civil Court,
Chennai.
2. The VII Metropolitan Magistrate,
George Town, Chennai.
3. The XVII Metropolitan Magistrate,
Saidapet, Chennai.
4. The Additional Public Prosecutor,
High Court,
Madras.
5. Deputy Commissioner of Police,
Rajaji Salai, Flower Bazaar,
Chennai - 1.
6. The Inspector of Police,
P3 Police Station,
Fort, Chennai - 9.

Copy to :
The Secretary,
High Court Legal Services committee,
High Court, Chennai - 104.

1 cc to Mr.K.R. Selvaraj, Party in person Sr. 27450
1 cc to Ms.Henrietha Chinnathambi , Advocate, Sr. 28194
(10/5/16)

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PVS (CO)
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