

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

W.P.No.31013 of 2016

P.M.S.Latiff

...Petitioner

Vs.

1.The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai - 600 001.

2.The Sub-Inspector of Police,
N-3, Muthialpet Police Station,
Chennai - 600 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for a issuance of Writ of Mandamus directing respondents to handover the Ration Card (item no.54), Voter ID Cards (item No.49 & 61) of my family, Subsidized Gas Cylinder with Stove (item No.45 & 46), which have been seized in Crime No.128/2014 (on the file of the Inspector of Police, N-3, Muthialpet Police Station, Chennai-01) by the 2nd respondent.

For Petitioner : Mr.S.Srinivasu

For Respondents : Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The petitioner has filed this Writ Petition seeking a direction to the respondents to handover the Ration Card (item no.54), Voter ID Cards (item No.49 & 61) of his family and Subsidized Gas Cylinder with Stove (item No.45 & 46), which have been seized in Crime No.128/2014, on the file of the Inspector

of Police, N-3, Muthialpet Police Station, Chennai-01, by the 2nd respondent.

2. It is seen that a case in Crime No.128 of 2014 has been registered against the petitioner on 13.02.2014, under Sections 294 (b), 427, 448 and 506 (i) IPC and during the course of investigation, the police have seized certain articles under a cover of Mahazar and produced the properties under Form 95 before the XVI Metropolitan Magistrate Court, George Town, Chennai. The Police have completed the investigation and have also filed the final report in C.C.No.160/2016 before the said Magistrate and the trial is pending.

3. While so, the petitioner has come up with this petition for a direction to the respondent police to return his Ration Card, Voter ID Cards of his family and Subsidized Gas Cylinder with Stove, etc., on the ground that they are essential items and they cannot be seized by the police.

4. In the considered opinion of this Court, there is no bar for the police to seize the aforesaid articles, if they are required for establishment of offence. Admittedly, the police have intimated factum of seizure to the Trial Court and therefore, it is always open to the petitioner to file an application under Section 451 Cr.P.C. for return of articles.

With the above observation, this petition is closed. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

सत्यमेव जयते

pvs/cad

To

1.The XVI Metropolitan Magistrate,
George Town, Chennai.

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2.-Do- Through Chief Judicial Magistrate,
Egmore, Chennai.

3.The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai - 600 001.

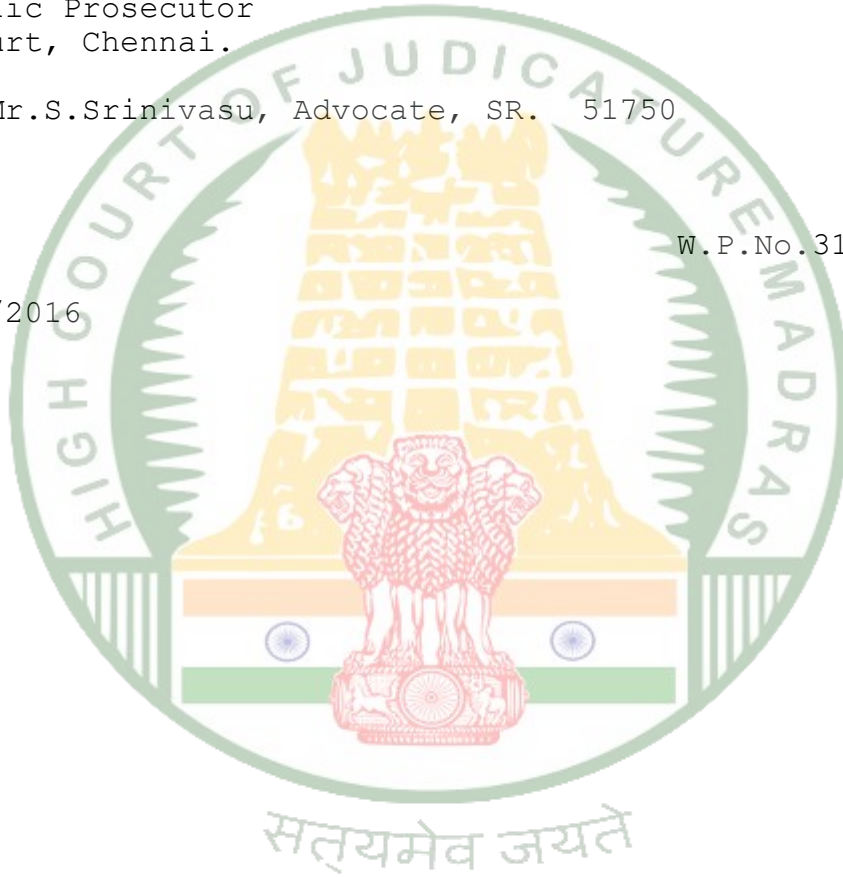
4.The Sub-Inspector of Police,
N-3, Muthialpet Police Station,
Chennai - 600 001.

5.The Public Prosecutor
High Court, Chennai.

1 CC to Mr.S.Srinivasu, Advocate, SR. 51750

W.P.No.31013 of 2016

GJ (CO)
PSI 05/10/2016



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