



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.4447 of 2017

Shimul Kumar Biswas

: Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Sub Inspector of Police,
Sellur Police Station, Madurai.

: Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the respondents particularly 2nd respondent to hand over the petitioner's vehicle namely Hero Passion Xpro Cast Disc bearing Reg.No.TN-57-A-L-2251, Titan watch and his belt to the concerned Magistrate or to the above said property to the petitioner.

For Petitioner : Mr.K.Prabakaran

For Respondents : Mr.K.Anbarasan

Government Advocate (Crl.side)

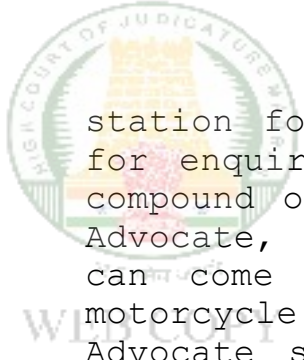
O R D E R

It is the case of the petitioner that he went to the Police Station for enquiry in connection with the complaint given by one Manikandan and at the time of enquiry, the police have illegally detained the petitioner's vehicle, viz., Hero Passion X pro Cast Disc bearing Reg.No.TN-57-A-L-2251 and also his watch and belt. But the Police have not been filed a regular First Information Report and had not produced any materials before the jurisdictional Magistrate.

2.Today, Mr.S.Karthick Selvam, Sub Inspector of Police, Sellur Police Station, is present before this Court.

3. Heard the learned counsel for the petitioner and the Government Advocate (Criminal Side) for the respondents.

4.The Government Advocate (Crl.side), on instructions, submitted to the court on the complaint given by Manikandan, a petition enquiry is conducted in CSR No.133/2017 and the petitioner was called to the police station for enquiry. He came to the police



station for enquiry on 09.03.2017 and agreed to once again come for enquiry on 10.03.2017, but had left his motor cycle in the compound of the Police Station and gone. The learned Government Advocate, on instructions, further submitted that the petitioner can come any time to the police station and take back his motorcycle. As regards, the belt and watch, the learned Government Advocate submitted that the petitioner had not handed over any belt or watch to the police as alleged by him now.

5. In view of the above submission, this Court directs the petitioner to collect his motorcycle from the police station and the 2nd respondent is directed to hand over the same as and when the petitioner comes for taking it. As regards the belt and watch, since there are disputed questions of fact, the same cannot be gone into in a petition under Section 482 of the Code of Criminal Procedure.

6. This petition is ordered accordingly in respect of the motorcycle. However, this petition is closed with liberty to the petitioner to work out his remedy in the manner known to law, with regard to the other items.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City, Madurai.

2. The Sub Inspector of Police,
Sellur Police Station, Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/S.K.Prabakaran, Advocate, SR.No. 52473

Order made in
Cr1.O.P. (MD) No.4447 of 2017

Dated: 17.04.2017

mrn/RR

AM/SKN RSK/SAR 2/18.04.2017/2P/5C