



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH J

W.P. (MD) No.648 of 2017

Sinu.M.Joseph

... Petitioner

-vs-

1. The Superintendent of police,
Theni District,
Theni.

2. The sub Inspector of Police,
Theni Police Station,
Theni District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to return the petitioner's missing articles in Crime No. 1165 of 2015 on the file of the 2nd respondent by consider the petitioner's representation dated 16.12.2016.

For petitioner : Mr.S.A.Ajmalkhan

For R1 & R2 : Mr.T.S.Mohammed Mohideen .

Additional Government Pleader.

O R D E R

This writ petition has been filed praying for the issuance of a Writ of Mandamus, to direct the respondents to return the petitioner's missing articles in Crime No. 1165 of 2015 on the file of the 2nd respondent by consider the petitioner's representation dated 16.12.2016.

2. Heard Mr.S.A.Ajmalkhan the learned counsel for the petitioner and the Mr.T.S.Mohammed Mohideen Additional Government Pleader appearing for the respondents.

3. It is the case of the petitioner that he is a Principal of Mary Matha Matric School, Theni, and that a theft has occurred in the School, in which, the petitioner's laptop was stolen. In this regard, on the complaint given by the petitioner, the 2nd respondent police registered a case in Crime No.1165/2015 under sections 457, 380, IPC against unknown accused and investigation is in progress. While so, the petitioner has come up with the above Writ Petition with the above Prayer.



4.Mr.Balasubramani, Sub Inspector of Police, Theni, is present before this Court. The Learned Additional Government Pleader, on instructions, submitted that the Laptop that is said to have been lost by the petitioner has been seized by the Parampalli Police Station, Kollam District, Kerala State, in connection with the Crime No.796/2016, and therefore, the 2nd respondent police is taking steps through the learned Judicial Magistrate, Theni, to have the case property transferred to the Jurisdictional Court.

5.It is trite that only a petition under Section 451 Cr.P.C. can be filed for interim custody of the case property and not a Writ Petition.

6.Recording the said submission of the learned Additional Government Pleader, the Writ Petition is closed with the liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of police,
Theni District,
Theni.

2. The sub Inspector of Police,
Theni Police Station,
Theni District.

+ 1 CC TO Mr.S.A.AJMALKHAN, ADVOCATE IN SR No. 13787
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 13738

TA/RR

TE/RR : 27/03/2017 : 2P/5C

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