

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATE: 24.09.2018

CORAM:  
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.22512 OF 2018

Amit Jain

.. Petitioner

versus

State Rep. by  
The Inspector of Police,  
R-4, Sulur Police Station,  
Coimbatore District,  
(Crime No.341 of 2018)

.. Respondent

Prayer: This petition is filed under Section 482 Cr.P.C.,  
praying to direct the Judicial Magistrate, Sulur to consider  
both the Petitions filed by the Petitioner under Section 451 and  
Section 457 of the Criminal Procedure Code in Crime No.341 of  
2018 pending on the file of the respondent.

For Petitioner : Mr.Thomas T Jacob

For Respondent : Ms.M.Prabhavathi  
Additional Public Prosecutor

ORDER

This petition has been filed to direct the Judicial  
Magistrate, Sulur to consider the petitions filed by the  
petitioner under Sections 451 and 457 of Cr.P.C in Crime No.341  
of 2018 pending on the file of the respondent and dispose of the  
same in accordance with law.

2.The learned counsel for the petitioner has submitted that  
the respondent herein has seized certain properties from the  
premises of the petitioner in Crime No. 341 of 2018. He further  
submitted that after seizure of the properties, the respondent  
has produced certain properties before the Judicial Magistrate,  
Sulur and with regard to those properties, the petitioner has  
filed a petition under Section 451 of Cr.P.C. with a request to  
return those properties to him. The learned Judicial  
Magistrate, Sulur has returned the said petition, with a  
direction to produce the document to show his ownership. He  
further submitted that the said petition was represented by  
including paragraph No.8 stating that the documents relating to  
the above properties are only with the respondent police and  
even thereafter, the learned Judicial Magistrate has returned  
the petition. He further submitted that in respect of the  
properties which were seized but not produced before the  
Judicial Magistrate, the petitioner has filed another petition

under Section 457 of Cr.P.C. and in the said petition, the petitioner has clearly stated that the documents also seized by the respondent and only the respondent has to produce those documents and the said petition also returned on the same ground. He further submitted that in the above circumstances, the learned Judicial Magistrate ought to have dispose of the petitions, either allowing the petitions or dismissing the same and instead of that, he should not have returned the petitions repeatedly and hence, he requests to direct the concerned Judicial Magistrate to take up those petitions on file and dispose of them in accordance with law.

3.The learned Additional Public Prosecutor has submitted that since the petitioner has not produced any document to establish that he is legally entitled to those properties, the learned Judicial Magistrate has rightly returned those petitions.

4.Considering the aforesaid submissions, the petitioner is directed to re-present the aforesaid petitions before the Judicial Magistrate, Sulur with in a week from the date of receipt of a copy of this order. On such re-presentation, the Judicial Magistrate Court, Sulur has to dispose of those petitions within a week, either allowing the same or dismissing the same.

With the aforesaid directions, this petition is disposed of.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Jen/gya

To

- 1.The Judicial Magistrate Court,Sulur.
- 2.The Inspector of Police,  
R4, Sulur Police Station, Coimbatore,  
(Crime No. 341/2018)
- 3.The Public Prosecutor]  
High Court, Madras.

+2cc to Mr.Thomas T Jacob,Advocate, S.R.69432

Cr1.O.P.No.22512 of 2018

SPD(CO)  
rrs 09/10/2018