

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.23221 of 2018

Baskar

... Petitioner/Accused

Vs.

The State rep. By
the Inspector of Police,
CBCID VPC-1,
Chennai.

... Respondent/Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order passed by the learned Principal Sessions Judge, Chennai in Crl.R.C.No.29 of 2017 dated 03.01.2018, confirming the order passed by the XI Metropolitan Magistrate Court, Saidapet, Chennai in Crl.M.P.No.1711 of 2017 dated 09.10.2017 and direct complainant/Respondent to return the property deposited with XIM.M.C., Saidapet, Chennai in Crime No. 260/2017.

For Petitioner : Mr.K.Sachithanandam
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed against the dismissal of the petition filed by the petitioner before the Court below for return of property.

2.The respondent Police have filed an FIR in Crime No.260 of 2017 against the petitioner for the offences under Sections 51, 52(A), 63(a) and 68-A of Copyright Act, 1957. The petitioner was arrested by the respondent Police and the police also seized certain properties belonging to the petitioner.

3.The petitioner thereafter was granted bail and he filed a petition before the Court below seeking for return of properties. The Courts below has rejected the petition filed by the petitioner mainly on the ground that the petitioner has not produced any documents to prove the ownership over the properties.

4.The learned counsel for the petitioner would submit that the petitioner was not in possession of documents at the time when the petition was filed. These documents were in possession of the auditors and now the petitioner has sufficient materials to prove that he is the owner of the properties in question.

5.In view of the above, this Court is of the considered view that an opportunity can be given to the petitioner to file a fresh petition before the XI Metropolitan Magistrate, Saidapet, seeking for return of properties by filing relevant documents to prove the ownership over the properties. On such petition being filed, the learned Magistrate shall satisfy himself with regard to the ownership of the properties and thereafter, he shall pass appropriate orders in accordance with law. It is open to the learned Magistrate, to impose necessary conditions at the time of returning the properties.

6.This Criminal Original Petition is disposed of with the above direction.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police,
CBCID VPC-1,
Chennai.

2. The Principal Sessions Judge, Chennai.

3. The XI Metropolitan Magistrate
Saidapet, Chennai.

4. The Chief Metropolitan Magistrate
Egmore, Chennai.

5.The Public Prosecutor,
Madras High Court,
Chennai.

+1 CC to Mr.K.Sachithanandam, Advocate sr 81676.

Cr1.O.P.No.23221 of 2018

RV(CO)
SP(19/12/2018)