

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 04.07.2019
CORAM
THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR
Crl.O.P.No.29600 of 2013

Prakash

.... Petitioner

Versus

1. The Commissioner of Police,
Office of Commissioner of Police,
Egmore, Chennai - 8

2. The Deputy Commissioner of Police,
Anna Nagar,
Chennai.

3. The Inspector of Police,
V-1, Villivakkam Police Station,
Chennai

... Respondents

Criminal Original Petition filed under section 482 of Criminal Procedure Code to direct the third respondent to return the club door keys, computer monitor along with CPU, Camera DVR pertaining to CCTV, Club members ID card, original land documents belongs to one Mohan, Two Cell Phones seized by the third respondent.

For Petitioner : M/s.R.Muniyapparaj

For Respondents : Ms.S.Thankira
Govt.Advocate (Crl.side)

ORDER

This petition is filed seeking direction to the third respondent to return the club door keys, computer monitor along with CPU, Camera DVR pertaining to CCTV, Club members ID card, original land documents belongs to one Mohan, Two Cell Phones to the petitioner seized by the third respondent.

2. The petitioner is A1 in Crime No.1729 of 2013 under sections 4(i) (a), 4(1-A) TNP Act and 45, 46 of MCP Act who was remanded to judicial custody on 13.10.2013. The petitioner has been running M.V.P.Recreation and Sports at G-1, Ground Floor, Deepak Nagar, No.1, Kumarasamy Nagar, Villivakkam, Chennai by betting money. The respondent police on ride had apprehended 19 persons who were there in club, thereafter seized

the articles and all the accused were produced before the XIII Metropolitan Magistrate Court and they were remanded. The properties seized and sent to the Court on 18.10.2013 along with Form 95. The petitioner herein was abroad at the time of incident and hence Look Out Circular was issued and thereafter the petitioner herein was produced before the learned XIII Metropolitan Magistrate, Egmore, Chennai. The petitioner had filed Crl.R.C.Nos.516 & 517 of 2014 for return of his Passport, two wheelers key bunch and cash Rs.1,60,080/-. This Court by order dated 12.09.2014 in Crl.R.C.No.516 of 2014 had ordered return of cash, key and other articles which were seized under Form 95, it is the specific case of the respondent that other than the articles which have been seized and sent through Form 95, no other articles were seized by the respondent. The petitioner's contention is without any material, further he had raised the same issue when Crl.R.C.No.516 of 2014 was argued and a detailed counter was filed by the respondent police and the same prayer was negatived by this Court.

3. Considering the submission made on either side and on perusal of records, for the properties seized by the respondent police, the petitioner ought to have filed petition under section 457 of Cr.P.C before the concerned Court. Instead filing this petition is only to cause aspersion on the respondent. There is no merit to substantiate the claim, accordingly the criminal original petition is dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dpq
To

1. The Commissioner of Police,
Office of Commissioner of Police,
Egmore, Chennai - 8
2. The Deputy Commissioner of Police,
Anna Nagar,
Chennai.
3. The Inspector of Police,
V-1, Villivakkam Police Station,
Chennai.

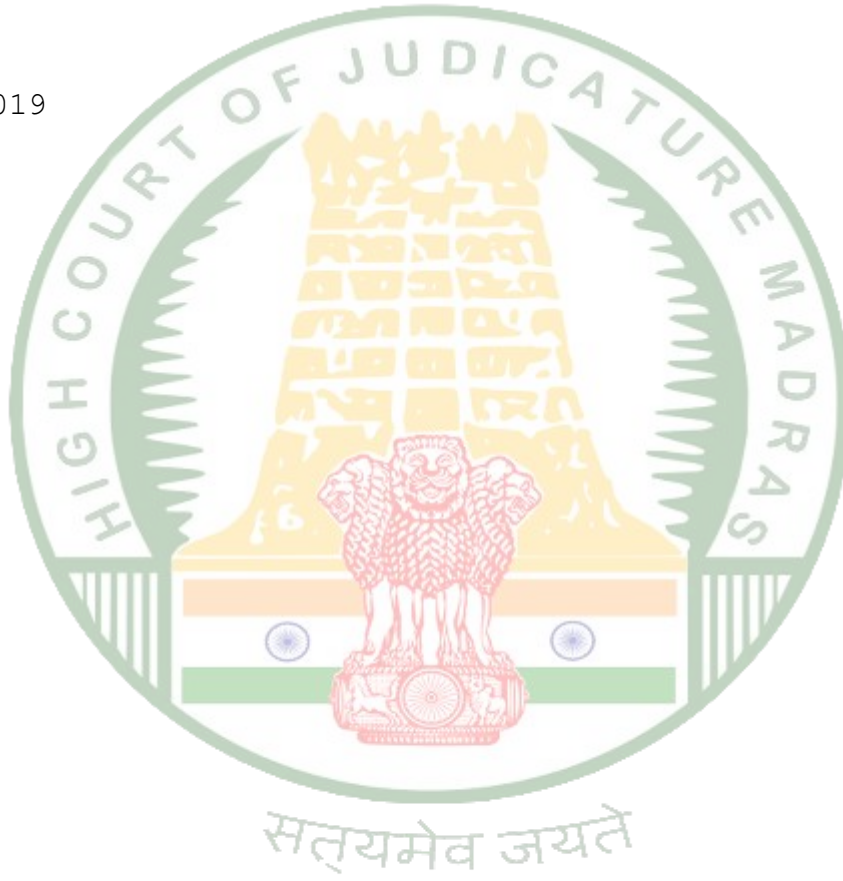
4. The Public Prosecutor

High Court, Madras.

+1 cc to M/s.R.Muniyapparaj Advocate sr57036

Cr1.O.P.No.29600 of 2013

mp(co)
aa06/09/2019



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