

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.9021 of 2019

N.M.Sundar

... Petitioner

Vs.

State rep. by

The Sub-Inspector of Police,
E-3 Police Station,
Teynampet,
Chennai 600 018.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the respondent to return the passport of the petitioner bearing Passport No.949073 issued by the Regional Passport Officer, Madurai.

For Petitioner :Mr.D.Parventhan

For Respondent :Mr.C.Raghavan
Government Advocate (Crl.side)

O R D E R

This Criminal Original Petition has been filed seeking to direct the respondent to return the passport of the petitioner bearing Passport No.949073 issued by the Regional Passport Officer, Madurai.

2.The petitioner is arrayed as 2nd accused in Crime No.340 of 2018 for the offence under Sections 147, 148, 120(b), 353, 506(ii) of IPC r/w 25(1-B)(a) of Arms Act, 1959 r/w Section 34 IPC and he was arrested. While arresting the petitioner, the respondent police have seized the passport his and other valuables and has not returned the same till date. Subsequently, the petitioner was granted bail by this Court in Crl.O.P.No.4339 of 2018, on condition that he should surrender his passport before the concerned Judicial Magistrate. Hence, the petitioner has filed a petition in M.P.No.3271 of 2018 before the XVIII Metropolitan Magistrate, Saidapet, Chennai-15 to return the property seized from him at the time of his arrest and the same is dismissed by an order dated 06.12.2018. Therefore, the petitioner has filed the present petition with the aforesaid prayer.

3.Heard Mr.D.Parventhan, learned counsel for the petitioner and Mr.C.Raghavan, learned Government Advocate (Crl.side) appearing for the respondent and the perused the materials on record.

4. On perusal of impugned order, it is seen that the trial Court did not state any reasons but simply dismissed the petition. Therefore, the order dated 06.12.2018 passed in M.P.No.3271 of 2018 by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, is hereby set aside. The learned XVIII Metropolitan Magistrate, Saidapet, Chennai is directed to consider the petitioner's petition afresh and pass orders on merits and in accordance with law, within a period of four months from the date of receipt of copy of this order.

5.Accordingly, this Criminal Original Petition is allowed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The XVIII Metropolitan Magistrate
Saidapet Chennai 15.

2.The Sub-Inspector of Police,
E-3 Police Station,
Teynampet,
Chennai 600 018.

3. The Public Prosecutor,
High Court, Madras.

+2 Ccs to Mr.D.Parventhan, Advocate sr 36983 & 36751.

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KAN (CO)
SP(26/04/2019)