

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 26.04.2019
CORAM
THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.11165 of 2019

G.Srinivasan

.. Petitioner

Vs

State by Inspector of Police,
Ammamet Police Station,
Crime No.44 of 2018

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order of return passed in unnumbered Crl.M.P.No. Of 2019 dated 27.02.2019 on the file of the learned Judicial Magistrate No.V, Salem filed by the petitioner herein consequently direct the learned Judicial Magistrate No.V, Salem to entertain the said application.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.C.Raghavan

Govt. Advocate (Crl. Side)

O R D E R

This petition has been filed seeking direction to set aside the order of return passed in unnumbered Crl.M.P.No. Of 2019 dated 27.02.2019 on the file of the learned Judicial Magistrate No.V, Salem filed by the petitioner herein consequently direct the learned Judicial Magistrate No.V, Salem to entertain the said application.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

3.It is seen that the petitioner already filed a petition for return of property under Section 451 Cr.P.C in Crl.M.P.No.6009 of 2018 before the Judicial Magistrate No.V, Salem, and the same was dismissed on merits without preferring the revision as against the said order. The petitioner again filed the petition under Section 451 Cr.P.C. Therefore, the Judicial Magistrate No.V Salem, has rightly returned the specific application for return of property filed under Section 451 Cr.P.C. Therefore, this Court finds no merits and the same was dismissed.

4. Considering the facts and circumstances of the case, this Court is not inclined to entertain this petition. Hence, this Criminal Original Petition is dismissed. However, the petitioner at liberty to file a revision petition before the appropriate Court as against the order.

5. Accordingly, this Criminal Original Petition is disposed of with the above direction.

Sd/-
Deputy Registrar(j)

//True Copy//

Sub Assistant Registrar

vsn/mpa
To

1.The Judicial Magistrate no.V,
Salem

2.The Inspector of Police,
Ammamet Police Station,

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr. R.Nalliyappan, Advocate SR.No. 40498

A.SK(10/06/2019)

Cr1.O.P.No.11165 of 2019

WEB COPY