

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.No.20885/2019

Santhosh Kumar

...

Petitioner

Vs.

State rep.by
The Deputy Superintendent of Police
Central Bureau of Investigation
Special Crime Branch,
Rajaji Bhavan, Chennai 600 090.

...

Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the learned Chief Judicial Magistrate, Coimbatore, to number the application in CMP.RP.No.1870/2017 dated 16.08.2017 and to pass orders on merits.

For Petitioner : Mr.J.R.Prabakaran

For Respondent : Mr.K.Srinivasan, Spl.PP [CBI]

ORDER

- 1.This Criminal Original Petition has been filed to direct the learned Chief Judicial Magistrate, Coimbatore, to number the application in CMP.RC.No.1870/2017 dated 16.08.2017 and to pass orders on merits.
- 2.The petitioner has filed a petition on 26.09.2017 under section 452 of Cr.P.C., seeking for the return of documents seized from his custody. The learned Trial Judge, finding that the petitioner is a third party and his documents are no way connected with the case and on further verification, finding that the documents sought for, were not found in the Court, had returned the application. Against the order of return, the present criminal original petition has been filed.
- 3.When the matter is taken up today, the learned Special Public Prosecutor [CBI Cases] would submit that the documents sought for by the petitioner before the Court below, is available with the respondent police and that the said documents are not required in this case. He would also submit that the

- respondent police is prepared to return the documents to the petitioner, in the event of petitioner approaching them.
4. Heard the submissions of the learned counsel for the petitioner and also perused the records.
 5. On a perusal of the order of return passed by the Court below, this Court is of the opinion that the petition against the order of return of the petition, stating that the documents mentioned, are not available in the Court, is not maintainable. Further, the said petition has been filed under section 452 of Cr.P.C. and in the opinion of this Court, the return made by the learned Judge is proper. Had the documents been seized in the particular crime number, the petitioner has got a right of filing a petition under section 457[1] of Cr.P.C. However, in this case, after the return of the petition, the petitioner had sent a Legal Notice to the respondent, calling upon them to return the documents seized from the petitioner.
 6. Taking into consideration, the facts and circumstances of the case as well as the submission made by the learned Special Public Prosecutor [CBI Cases], this Court directs the petitioner to approach the respondent along with a copy of this order and on the petitioner approaching and producing proper proof, the respondent / CBI is directed to return the documents after taking due acknowledgement.
 7. The criminal original petition stands disposed of with the above direction.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Deputy Superintendent of Police
Central Bureau of Investigation
Special Crime Branch,
Rajaji Bhavan, Chennai 600 090.

2. The Special Public Prosecutor
CBI Cases, High Court, Chennai.

+lcc to Mr.J.R.Prabakaran, Advocate sr.75462

Cr1.O.P.No.20885/2019

nr 30/08/2019