

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.21863 of 2019

Vijayakumar

...Petitioner

-Vs-

The Inspector of Police,
Namagiripettai Police Station,
Namakkal District.
(Crime No.44 of 2018).

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the Respondent to handover the key with respect of the house existing at Door No.1, Bajani Mada Street, Ariyagoundampatti, Rasipuram Taluk, Namakkal District enable to take the proceed Turmeric which are stored in the said house.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed aggrieved by the Court below returning the application filed under Section 457 of Cr.P.C, seeking for the return of the key of the house belonging to the petitioner.

2. The petitioner is an accused in Crime No.44 of 2019. In the course of investigation, the respondent police is said to have taken away the key of the house belonging to the petitioner and therefore, the petitioner is not in a position to get into the house.

3. The petitioner filed an application before the Court below, under Section 457 of Cr.P.C, seeking for a direction to the respondent police to return the house key. This petition has been returned, on the ground that the respondent police have not produced the property before the Court.

4. Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor appearing on behalf of the respondent Police.

5. Taking into consideration the facts and circumstances of the case, this Court is of the considered view that the Court below has sufficient powers to deal with the application under Section 457 of Cr.P.C, since the Magistrate has been given powers to even direct the police to produce the property which was seized and not produced before the Court. Therefore, the Court below will have to proceed further with the application and enquire the police as to whether they have seized the key of the house belonging to the petitioner and if it has been seized, the Court below has to proceed further to exercise of its powers under Section 457 of Cr.P.C and pass orders in accordance with law.

6. This Criminal Original petition is disposed of with a direction to the Court below, to take the application filed by the petitioner on file and proceed further in accordance with the observations made by this Court.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

Ub

To

1.The Inspector of Police,
Namagiripettai Police Station,
Namakkal District.

2.The Public Prosecutor,
High Court, Madras. सत्यमेव जयते

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No. 69217

RSK(CO)
GN(16/08/2019)

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