

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.No.11216 of 2017

K.Sri Lakshmi

...Petitioner/ 3rd Party

Vs.

The State by rep:

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

....Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondent/police to produce the articles viz., Samsung Tab, three cell phones (Micromax), one oppo phone, ISO certificate of the studio, Silver bracelet(1), Phillips Trimmers (2), New Systems Wig (6), Full Cap wig (1), Small tapes (10 packets), Jaguar Scissors (6) and blank White Signed Sheets (2) in Crime No.1063 of 2017 before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.Sunder Mohan

For Respondent : Mr.C.Raghavan
Government Advocate

ORDER

This petition has been filed for a direction to the respondent police to produce certain articles, which were seized from the petitioner, in the course of investigation in Crime No.1063 of 2017.

2. The learned counsel for the petitioner submitted that the respondent police in the course of investigation had seized several articles from the petitioner and they produced only some of the articles before the Court below and the articles which have been listed in this petition, was not produced before the Court below and therefore the present petition has been filed before this Court.

3. The learned counsel for the petitioner submitted that for those articles which were produced before the Court below, the defacto complainant filed a petition for return of articles and the same was allowed by the Court below and aggrieved by the same, the petitioner filed a petition before this Court and this Court by an order dated 10.08.2017 directed the Court below to conduct a fresh enquiry and pass orders after affording opportunity to the petitioner. The Court below, thereafter conducted an enquiry and by an order dated 28.06.2018, directed the defacto complainant to handover the entire articles, to be kept in court custody.

4. Heard, the learned Government Advocate appearing on behalf of the respondent police.

5. The Magistrate Court has very wide powers under Section 457 of Cr.P.C. to direct the police to produce even the properties which have been seized and not produced before the Court. The Magistrate Court will also have an advantage of perusing the case diary and the seizure mahazer in order to find out the articles which were actually seized by the respondent police during the course of investigation. When such a wide discretion is available to the Magistrate Court, this Court cannot entertain a petition of this nature under Section 482 of Cr.P.C.

6. This Criminal Original petition is disposed of by giving liberty to the petitioner to file a petition under Section 457 of Cr.P.C. to direct the respondent police to produce the articles which were not produced, after being seized from the petitioner. The Court below shall consider the same on merits and in accordance with law and shall pass orders within a period of four weeks from the date on which application is filed by the petitioner. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते
Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The XVIII Metropolitan Magistrate,
Saidapet,
Chennai

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

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Sundar Mohan, Advocate, S.R.No.67696

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VBA(CO)

RRS (09/08/2019)



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