

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.07.2019

CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.24840 of 2017

P.Sundaresan

...Petitioner

Vs.

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2. The Commissioner of Police,
Vepery,
Chennai-600 007.

3. The Inspector of Police,
J-8, Neelankarai Police Station,
Chennai-600 115.

4. E.Silambarasan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to invoke its inherent powers in favour of the petitioner and direct the 3rd respondent to produce the properties including cash seized in Crime No.2080 of 2017, dated 08.08.2017 before the concerned Magistrate.

For Petitioner : Mr. T.S.N.Prabhakaran

For Respondents 1to3 : Mr.M.Mohamed Riyaz

ORDER

This petition has been filed seeking for a direction to the respondent police to produce the properties that were seized in Crime No.2080 of 2017.

2. The learned counsel for the petitioner submitted that the third respondent, in the course of investigation in Crime No.2080 of 2017, had recovered all the stolen articles namely, cash to the tune of Rs.1,20,000/-, five sovereigns of gold jewels and two silver anklets (Kolusu). In spite of this recovery, the same was not produced before the Court below. A complaint was also given before the higher authorities and no action was taken. Therefore, the present petition has been filed before this Court seeking for an appropriate direction.

3. The learned Additional Public Prosecutor submitted that the respondent police have already completed the investigation and filed a final report before the Judicial Magistrate, Alandur and the same has been taken on file in C.C No.867 of 2017. The learned counsel further submitted that whatever stolen articles were recovered during the course of investigation, has been handed over to the Court below and the same will be marked as material objects during the course of trial.

4. This Court has carefully considered the submissions made on either side and the materials available on record.

5. The grievance of the petitioner is that all the stolen articles that were seized by the respondent police in the course of investigation has not been produced before the Court below. What was seized by the respondent police and what will be marked as material object is a subject matter of trial. The petitioner, as the de-facto complainant, will be examined by the Court below as a witness and he can depose regarding the entire incident and the properties that were seized in the course of investigation. It is thereafter, left open to the Court below to proceed further in accordance with law, with regard to the issue of the properties that were seized and the properties that are actually produced before the Court below. This Court does not want to parallelly deal with the very same issue in exercise of its jurisdiction under Section 482 of Cr.P.C.

6. In view of the above, there shall be a direction to the Court below to proceed further with the trial in C.C No.867 of 2017 and based on the evidence collected in the course of trial, shall take an appropriate decision with regard to the stolen articles which is the subject matter of the present case.

7. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Alandur.

2.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

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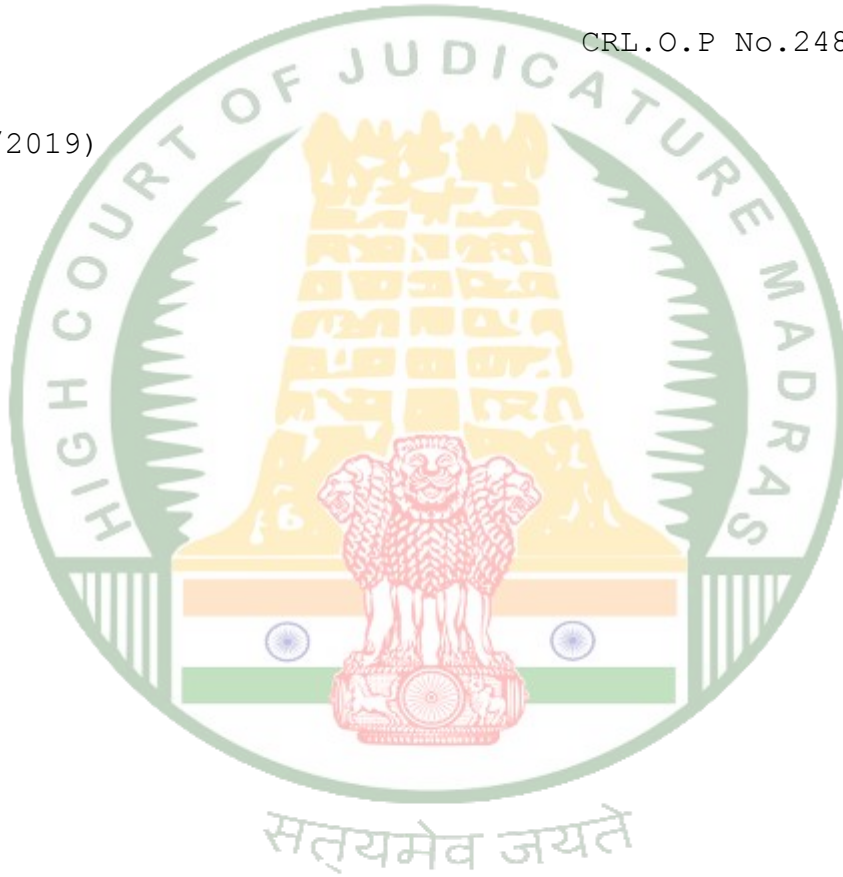
3. The Commissioner of Police,
Vepery,
Chennai-600 007.
4. The Inspector of Police,
J-8, Neelankarai Police Station,
Chennai-600 115.
5. The Public Prosecutor,
High Court of Madras.

+lcc to Mr.T.S.N.Prabakaran, Advocate, S.R.No.57511

CRL.O.P No.24840 of 2017

PVS (CO)

RRS (09/07/2019)



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