

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.17294 of 2020

Senthilnathan

...Petitioner

Vs

The State,
Rep. by Inspector of Police,
S7 Madipakkam Police Station,
Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code seeking direction to direct the Judicial Magistrate No.II At Alandur to number the Unnumbered Cr1 M.P.No of 2020 dated .08.2020 which filed under Section 451 of Criminal Procedure Code and direct to dispose the same within a time stipulated by this Court.

For Petitioner : Mr.R.Praveen Anand

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

(through Video Conference)

This Criminal Original Petition has been filed seeking for a direction to direct the Judicial Magistrate No.II, Alandur to number and dispose of the Criminal Miscellaneous Petition filed by the petitioner under Section 451 of Criminal Procedure Code within a time as stipulated by this Court.

2.Heard Mr.R.Praveen Anand, learned Counsel appearing for the Petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing on behalf of the respondent.

3.Today, when the petition is came up for hearing, the learned Additional Public Prosecutor appearing on behalf of the respondent police, on instructions, would submit that in respect of the petition mentioned Crime Number i.e., Cr.No.857 of 2020, the respondent police had recovered 145 grams of gold jewel as material objects and the same was kept in the police custody till date.

4.Now on considering the said submission with the relevant records, because of the reason that the recovered gold is not produced before the jurisdictional Magistrate, being the owner of the said property, the petitioner is before this Court for the relief stated supra.

5.In general, it is the duty vested with investigation officer to produce the recovered material objects before the Magistrate immediately after the recovery. Keeping the same in police station is unnecessary.

6.Therefore, in this petition, it would be appropriate to issue the following directions:

(i)the respondent police is directed to produce the recovered material objects before the Judicial Magistrate No.II, Alandur within a period of one week from the date of receipt of copy of this order.

(ii)Upon such production of the material objects, the Petitioner is at liberty to file an application under Section 451 of Criminal Procedure Code praying to give the same for interim custody.

7.In this regard, the Judicial Magistrate No.II, Alandur is directed to number the application filed by the petitioner immediately, and dispose the same, as early as possible preferably within a period of one week and dispose the same

8.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Alandur.
2. Inspector of Police,
S7 Madipakkam Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

Cr1.O.P.No.17294 of 2020

SSD(CO)
RV(30/11/2020)