



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.8712 OF 2017

AND

CRL.M.P.NO.10254 OF 2017

Mr.N.Selvaraj

...Petitioner/Petitioner

Vs.

The State represented by
The Inspector of Police(Crime)
G-5, Secretary Colony Police Station,
Kilpauk, Chennai-600 010.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the respondent Police to return the vide original documents Nos.2415/2016, 1633/2015, 2285/1997, 98/4/1987 and income certificate to the petitioner.

For Petitioner : Mr.G.Mutharasu

For Respondent : Mr.S.Vinoth Kumar
Govt.Advocate(crl.side)

ORDER

This Criminal Original Petition has been filed to direct the respondent police to return all the original documents said to have been collected during investigation on 05.04.2017 when he was called for an enquiry.

2. Though it is pleaded in the petition that the original documents are retained by the respondent Police, the nature of documents in the petition has not been established. Except the legal notice said to have been issued by the petitioner to return the original documents, no other particulars whatsoever available on record about the original documents collected by the respondent Police. The emphasis was placed on the legal



notice dated 08.04.2017 by the learned counsel to contend that the original documents are with the respondent Police, as the legal notice has not been replied by the Police.

3. It is to be noted that in the entire legal notice except bald statements requesting the Police to return the documents, no other particulars whatsoever has been mentioned in the notice, as to the nature of the documents handed over by the petitioner. It is a normal conduct of any human being to disclose the nature of the original documents which he has left with the Police. Since the facts are exclusively with the knowledge of the petitioner, it is for him to disclose the nature of the documents which was carried to the Police Station which has not been done. Therefore, without proving the fact that those documents are actually retained by the Police, merely on the basis of the bald allegation in the legal notice, this Court cannot direct the respondent Police to return or hand over the original documents, which is not established by the petitioner.

4. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

msv

To

1. The Inspector of Police(Crime)
G-5, Secretary Colony Police Station,
Kilpauk, Chennai-600 010.
2. The Public Prosecutor
High Court, Madras.

+1cc to M/s.G.Mutharasu, Advocate, S.R.No.69260

Cr1. O.P. No.8712 of 2017
and Cr1.M.P.No.10254 of 2017

SJ(CO)
RLP(12/01/2022)