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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.21162 of 2018

and

Crl.M.P.No.11578 of 2018

V.Shivaji

... Petitioner/1st respondent

Versus

1.State represented by,
The Inspector of Police,
E-3, Teynampet Police Station,
Teynampet, Chennai.
(Crime No.1063/2017)

...1st respondent/ 2nd respondent/ complainant

2.K.Sri Lakshmi

...2nd respondent/ petitioner/ third party

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973 to call for the records in Crl.M.P.No.4630 of 2017 and order passed on 28.06.2018 by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai and set aside the same.

For Petitioner : Mr.S.Senthil Murugan

For Respondents: Mr.Mr.A.Damodaran,
Additional Public Prosecutor for R1

O R D E R

In continuation to the earlier order dated 24.03.2022, explanation from the concerned Magistrate received. The Magistrate in reply had referred to Crl.R.C.Sr.No.23434 of 2017 dated 10.08.2017 and Crl.M.P.No.7129 of 2017 dated 10.08.2017 and explains that the High Court gave a direction to the petitioner/ A2 in the case to approach the Court below by filing suitable petition to seek return of goods seized from the premises of the petitioner/ defacto complainant and further the High Court observed that upon filing the petition, the trial Court shall consider the same after hearing the petitioner as



well as the 1st respondent and to decide the case on merits. Hence, the orders were passed in Crl.M.P.No.4630 of 2017 dated 28.06.2018 directing the seized articles to be returned to the Court within one week and to be kept under the Court custody.

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2. The learned counsel for the petitioner contended that the property belongs to the petitioner and he is entitled to retain the property. Further the seized article was marked as MO1 through PW1 Ravichandran, who is the Proprietor of the White Cliffs Hiari Studio Pvt. Ltd., The petitioner is PW2, Manager of PW1's Company. Now keeping the property, MO1 in custody of the Court would further deteriorate the property and it would become valueless. In view of the same, sought for return of the property.

3. Though finding force in the petitioner's submission, this Court feels that notice to be issued to the petitioner in Crl.M.P.No.4630 of 2017 viz., K.Sri Lakshmi and it would be appropriate that A2 is heard in this petition.

4. At this stage, the learned counsel for the petitioner submitted that the trial has already commenced and there are only 9 witnesses in this case. Already PW1 examined and cross examined in detail and the petitioner/ PW2 is in the box. He further submits that it would be sufficient if the trial Court is directed to complete the trial within a period of two months, so that at the end of the trial, the trial Court would record a finding as to the ownership of MO1.

5. The learned Additional Public Prosecutor undertakes to produce the witnesses.

6. In view of the same, this Criminal Original Petition is disposed of with a direction to the trial Court to complete the trial within a period of two (2) months i.e., on or before 1st July 2022. In the even of the accused adopting dilatory tactics, the trial Court can take coercive steps to keep the accused in the custody and complete the trial. Consequently, the connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



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To

1.The XVIII Metropolitan Magistrate,
Saidapet, Chennai.

2.-Do- Thro' The Chief Metropolitan Magistrate,
Egmore, Chennai.

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

4.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.21162 of 2018

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srg 27/04/2022