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Crl.RC.No.996 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

Coram:

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

Criminal Revision Case No.996 of 2022

Biswajith Santra

... Petitioner

Vs.

The State

Rep. by the Inspector of Police
C-2, Elephant Gate Police Station
Chennai
(Crime No.98 of 2022)

... Respondent

Prayer: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code, praying to set aside the order dated 13.04.2022 made in Crl.M.P.No.3934 of 2022 in Crime No.98 of 2022 passed by the learned VIII Metropolitan Magistrate, George Town, Chennai.

For Petitioner	: Mr.P.Krishnamurthi
For Respondents	: Mr.S.Sugendran Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed seeking to set aside the order dated 13.04.2022 made in Crl.M.P.No.3934 of 2022 in Crime No.98 of 2022 passed by the learned VIII Metropolitan Magistrate, George Town,



Chennai.

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2. The respondent police registered the case in Crime No.98 of 2022 against the petitioner for the offence under Section 4(1)(aa) TNP Act and Sections 294(b), 353, 506(1) IPC and seized a sum of Rs.1,17,650/- lakh. Subsequently, the petitioner filed a petition before the learned VIII Metropolitan Magistrate, George Town, Chennai, in Crl.M.P.No.3934 of 2022 under Sections 451 and 457 Cr.P.C. seeking return of property and the said petition was dismissed by order dated 13.04.2022. Aggrieved over the same, the present revision has been filed before this Court.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police and perused the materials on record.

4. It is seen that the charge sheet has not been filed. Pending investigation, return of property is purely the discretionary power of the Magistrate and the owner of the property cannot seek for return of property as a matter of right.

5. In such view of the matter and also considering the serious nature of offence, this Court is not inclined to allow this petition. **Accordingly, this Criminal Revision Case is dismissed.**



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6. Further, when the matter was taken up for hearing on 12.09.2022, this Court had directed the Inspector General of Police to take appropriate action against the Investigating Officer who filed the charge sheet without case property and to file action taken report before this Court on 12.10.2022.

7. Today (20.10.2022), the action taken report of the Additional Commissioner of Police, Greater Chennai City, is filed before this Court in which, it is stated that the Deputy Commissioner of Police, Flower Bazaar, conducted enquiry and filed a report requesting to initiate action against the Inspector Thiru.G.S.Pushparaj and the Sub Inspector Thiru. Raja, C2 Elephant Gate Police Station, for slack of supervision and misrepresentation while communicating facts of the case before this Court and based on the report, the Joint Commissioner of Police, North Zone, has initiated disciplinary action against said Inspector and Sub Inspector.

8. Therefore, the Additional Commissioner of Police, Greater Chennai City, is directed to file report before this Court on the final out come of action taken, within a period of two months from today.



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9. List the matter after two months for filing action taken report.

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To

1. The VIII Metropolitan Magistrate,
George Town, Chennai.

2. The Inspector of Police
C-2, Elephant Gate Police Station
Chennai

3. The Public Prosecutor
High Court of Madras

Copy to:

The Additional Commissioner of Police,
Greater Chennai City,



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P.VELMURUGAN,J.

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