



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.3812 of 2022

WEB COPY

Shanawaz

...Petitioner/
Defacto Complainant

Vs.

The Inspector of Police
District Crime Branch
Trichirappalli District
(Crime No.14 of 2021)

...Respondent/
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the return order dated 03.02.222 passed by the learned Judicial Magistrate No.I, Trichy by allowing this petition and consequently direct the learned Judicial Magistrate No.I, Trichy to number the application filed by the petitioner under Section 451 of Cr.P.C and pass orders on merits and in accordance with law.

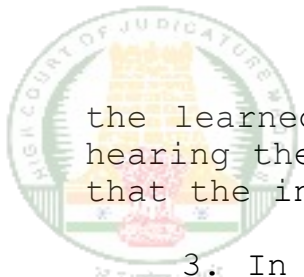
For Petitioner : M/s.M.Subash Babu

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to set aside the return order dated 03.02.222 passed by the learned Judicial Magistrate No.I, Trichy by allowing this petition and consequently direct the learned Judicial Magistrate No.I, Trichy to number the application filed by the petitioner under Section 451 of Cr.P.C and pass orders on merits and in accordance with law.

2.The petitioner has filed a petition before the learned Judicial Magistrate No.I, Trichy for return of property under Section 451 of Cr.P.C. The petitioner is the defacto complainant who has lodged complaint and a case came to be registered in Crime No.14 of 2021 for the offences under Sections 406,420,120(B) of IPC as against the accused persons alleging that the accused persons have received a sum of Rs.20,00,000/- for getting post graduate medical seat. After registration of the First Information Report, a sum of Rs.4,00,000/- was deposited by the first accused to the credit of Crime No.14 of 2021 on the file of the learned Judicial Magistrate No.I,Trichy.. Thereafter the petitioner has filed a petition to return the said amount and after receipt of the same,



the learned Magistrate without even numbering the same and without hearing the petitioner simply returned the petition for the reason that the investigation is still pending.

3. In view of the above the docket order passed by the learned Judicial Magistrate No.I, Trichy is set aside and the criminal Original Petition is allowed. Further the petitioner is directed to re-present the petition filed for return of property under Section 451 of Cr.P.C forthwith and on receipt of the same, the learned Magistrate is directed to consider the same and pass orders on merits and in accordance with law.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.I, Trichy
2. The Inspector of Police
District Crime Branch
Trichirappalli District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Section Officer,
E.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-8550[F] dated 24/02/2022)

CrI.O.P.(MD) No.3812 of 2022
24.02.2022

RK(16/03/2022) 2P 6C