



Crl.O.P.No.6302 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	: 20.06.2023
Pronounced on	: 30.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6302 of 2023

Sivaprakasam

... Petitioner

Vs.

The State represented by
The Inspector of Police,
T.1. Ambattur Police Station,
Chennai - 53.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate Court, Ambattur conduct speedy dispose in the above case in Crl.M.P.No.56 of 2023 on his file within the time stipulated by this Court.

For Petitioner : Mr.K.Suresh Babu for Mr.N.Vijayaraj

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

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This Criminal Original Petition has been filed to direct the learned Judicial Magistrate Court, Ambattur conduct speedy dispose in the above case in Crl.M.P.No.56 of 2023 on his file within the time stipulated by this Court.

2. When this matter came up for hearing on 21.03.2023, this Court passed the following Order,

“This petition is filed to direct the learned Judicial Magistrate Court, Ambattur to dispose the Crl.M.P.No.56 of 2023 as expeditiously as possible.

2. It is the submission of the learned counsel for the petitioner that petitioner is the defacto complainant in Crime No.797 of 2022 registered for the offence under Sections 406, 420, 506(i) and 380 of IPC. He further submitted that, petitioner is the owner of the Baleno Car beaing Reg.No.TN 13 K 0617, seized in this case. He filed petition under Section 451 and 457 of Cr.P.C for return of the said car as interim custody in December 2022 and it was taken on file in Crl.M.P.No.56 of 2023 and the said petition is not disposed till now.

3. The learned Government Advocate (Crl. Side) submitted that, vehicle had been produced before the Court,



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but the Court did not receive the vehicle and give the P.R.Number.

4. In reply, learned counsel for the petitioner submitted that, petitioner's vehicle is now being used by some official. This vehicle has prepaid toll facility. On 27.02.2023, someone had taken the vehicle beyond Vikkravandi Toll Plaza and the petitioner received message with regard to deduction of toll amount.

5. In the light of the submission made by the counsel appearing for parties, this Court directs the learned Judicial Magistrate, Ambattur to direct the production of the aforesaid vehicle immediately before the Court, receive it as case property and dispose the Crl.M.P.No.56 of 2023 filed under Sections 451 and 457 of Cr.P.C seeking interim custody of the vehicle, within a period of one week from the date of receipt of copy of the order.

6. The learned Magistrate is also directed to send report on the disposal and offer remarks to the submission made by the learned Government Advocate (Crl. Side), on the instructions given by Mr.Ekambaram, Sub Inspector of Police, Ambattur Police Station that, despite production of vehicle bearing Reg.No.TN 13 K 0617, learned Magistrate had refused to receive the vehicle and give P.R.Number.



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7. The report must be received by this Court within a period of two weeks from today. Post the matter after two weeks.”

3. When the matter was pending for the receipt of report from the learned Judicial Magistrate, Ambattur, learned counsel for the petitioner gave a letter dated 31.03.2023 to the Registrar Judicial for withdrawal of the petition.

4. It is seen from the records that, learned Judicial Magistrate, Ambattur sent a report dated 29.03.2023 and this report was received by this Court on 30.03.2023. Without informing this Court about the receipt of the report for further action, Registry Official listed this case for withdrawal on 10.04.2023. Finding that letter for requisition for withdrawal was given, this Court permitted withdrawal of the case. Therefore, petition was dismissed as withdrawn on 10.04.2023.

5. When this Court called for the report from the learned Judicial Magistrate, Ambattur and matter is pending for receipt of report and for further orders on the basis of the report, the requisition for withdrawing the case is



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grossly inappropriate on the part of the learned counsel for the petitioner and it is condemned. That apart, this Court finds that, Registry Official has listed the matter, without informing this Court about the receipt of the report from the learned Judicial Magistrate, Ambattur.

6. It is seen from the report that the learned Judicial Magistrate, Ambattur flatly denied the allegations that, despite production of vehicle bearing Registration No.TN.13 K 0617, learned Magistrate had refused to receive the vehicle and give P.I.Number. His report further reads that, from 05.01.2023 to 21.03.2023, the above said vehicle was not produced and no Form-91 was produced. Only on 21.03.2023 the aforesaid car was produced along with Form-91 and numbered on the same day in P.I.95 of 2023.

7. The learned Magistrate reiterated that, he never refused to receive the said property (Baleno Car bearing Registration No.TN.13 K 0617) and submitted that misrepresentation was made in this Court and this Court was mislead.



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8. Thus, this Court directed that, suitable action has to be initiated against the persons concerned for suppressing the material information and committing fraud on the Court. Registry was directed to issue show cause notice to the concerned staff, who was responsible for listing the case on 10.04.2023.

9. On 09.06.2023, Mr.K.Suresh Babu, learned counsel representing Mr.N.Vijayaraj sought time to file affidavit with regard to the circumstances under which, learned counsel for the petitioner gave letter for withdrawal of Crl.O.P.No.6302 of 2023. Thus, the matter was adjourned to 13.06.2023. On 13.06.2023, there was no representation for the learned counsel for the petitioner and was adjourned to 20.06.2023 for giving opportunity to the learned counsel for the petitioner to file affidavit.

10. On 20.06.2023, Mr.Sivaprakasam, petitioner filed an affidavit stating that, after seizure of vehicle bearing No.TN 13 K 0617, his vehicle passed through the toll plaza in a town called Vikravandi. He came to know this after money was withdrawn from the Fast tag account of his car and his car was being used by the police official. Therefore, he filed Crl.O.P.No.6302 of 2023 before this Court. Thereafter, Inspector of Police contacted him and begged him to



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withdraw the case. Because of her long and protracted crying, petitioner asked his counsel to withdraw the petition.

11. Mr.M.Balaji, learned counsel for the petitioner on record in Crl.O.P.No.6302 of 2023 filed a similar affidavit, stating that, as per the instruction of the petitioner, the case was withdrawn.

12. This explanation offered by the petitioner and his counsel on record, cannot be accepted, for the reason that, the learned counsel on record very well knew that, this Court called for a report from the learned Judicial Magistrate, Ambattur, on the submission made by the learned counsel for the petitioner that, the aforesaid vehicle was misused by some officials. This Court could have waited for the report from the learned Judicial Magistrate for disposing Crl.O.P.No.6302 of 2023. However, with a view to help the petitioner that, his vehicle is being misused by some without producing in the Court, this Court directed the learned Judicial Magistrate, Ambattur to receive the vehicle as case property and dispose the Crl.M.P.No.56 of 2023, filed under Sections 451 and 457 Cr.P.C seeking interim custody of the vehicle, within a period of one week from the date of receipt of a copy of the Order. After getting the vehicle as interim custody, it appears that, petitioner joined hands with the Inspector of



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Police and gave letter for withdrawal of this case, making mockery of this Court's order calling for the report. This conduct of the petitioner and his counsel is grossly inappropriate and improper, amounting to interference in the administration of Justice. Therefore, this Court directs the petitioner to pay a costs of Rs.10,000/- to the Chief Justice Relief Fund.

13. It is now established from the materials produced in this case that, the Investigation officer, Ms.Alamelu, after seizing the vehicle bearing No.TN 13 K 0617 has not immediately produced the vehicle before the Court of Jurisdictional Magistrate, Ambattur. Instead she kept the vehicle under her custody illegally and used/allowed to be used by her relative(s). The fact that vehicle was used by her relative(s) is made known to this Court by a discreet enquiry conducted by Vigilance Cell of High Court of Madras. Therefore, the Deputy Commissioner of Police, Redhills is directed to initiate appropriate legal/disciplinary action against the Investigation Officer, Ms.Alamelu.

14. Learned counsel for the petitioner is informed that, he is not only the counsel for the petitioner, but also an officer of the Court. He owes a duty to the Court in the proper administration of Justice. His conduct in giving withdrawal letter, when the petition is pending for the receipt of report, shows that, he failed



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in performing his duty in a right manner. However, considering the fact that, the learned counsel is a junior advocate, this Court let him off with a warning to be careful in future in dealing with the Court.

15. In the result, this Criminal Original Petition is disposed with the following directions,

(i) This Court directs the petitioner to pay a costs of Rs.10,000/- to the Chief Justice Relief Fund.

(ii) The Deputy Commissioner of Police, Redhills is directed to initiate appropriate legal/disciplinary action against the Investigation Officer, Ms.Alamelu.

30.06.2023

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To

1.The Judicial Magistrate Court,
Ambattur.

2.The Deputy Commissioner of Police,
Redhills.

3.The Inspector of Police,
T.1. Ambattur Police Station,
Chennai - 53.



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G. CHANDRASEKHARAN, J.

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Pre-Delivery Order made in
Crl.O.P.No.6302 of 2023

30.06.2023