



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19526 of 2023

M/s.Manappuram Finance Limited,
Rep. by its
Area Head
Mr.N.B.Shedhadri
Having Office at
Salem Region, Near Bus Stand,
Tiruchengode Town,
Namakkal District.

... Petitioner

Vs.

The State Rep. by its
The Inspector of Police,
Tiruchengodu Police Station,
Namakkal.
(Crime No.133 of 2019)

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the docket order passed by the learned Judicial Magistrate, Thiruchengode in Crl.M.P.SR.No.45 of 2022 dated 24.01.2022 and subsequently, direct the learned Judicial Magistrate, Thiruchengode to number the



unnumbered CrI.M.P.SR.No.45 of 2022 returned on 24.01.2022 and dispose the case of merits.

For Petitioner : Mr.R.Sunil Kumar
For Respondent : Mr.A.Gopinath
Government Advocate (CrI. Side)

ORDER

This petition has been filed challenging the Docket Order passed by the Court below on 24.01.2022, returning the application filed by the petitioner under Section 451 of Cr.P.C., to handover the custody of the case properties that were seized during the course of investigation in Crime No.133 of 2019.

2.It is seen from the Docket Order that the defacto complainant had already filed an application seeking for the return of the property and the same was ordered and the case property was also handed over to the *defacto* complainant. In view of the same, the Court below had returned back the application on the ground of maintainability. This Court does not find any ground to interfere with the docket order passed by the Court below. Once the case property has already been handed over to the defacto complainant, the petitioner cannot parallelly file an independent



application and seek for the custody when the custody is no longer with the Court.

Therefore, if the petitioner is aggrieved by the fact that the case property has been handed over to the *defacto* complainant, the said order has to be put in challenge and the petitioner cannot independently maintain yet another application seeking for return of the property.

3.In view of the above, this Court does not find any illegality in the docket order passed by the learned Judicial Magistrate, Thiruchengode in Crl.M.P.SR.No.45 of 2022 dated 24.01.2022.

4.Accordingly, this criminal original petition stands dismissed.

28.08.2023

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

ssr

To

1.The Judicial Magistrate,
Thiruchengode.



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N.ANAND VENKATESH, J

SSI

2.The Inspector of Police,
Tiruchengodu Police Station,
Namakkal.

3.The Public Prosecutor,
High Court, Madras.

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