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Crl.O.P.Nos.21476 & 21480 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.21476 & 21480 of 2023

Dr.Amit Anand Ajgaonkar
S/o.Ramachandra Hari Bhau

... Petitioner in both petitions

Vs.

1.The State of Tamil Nadu,
represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Chennai - 600 009.

2.Sr.Inspector of Police,
E-9, Thazhambur Police Station
(CCB-Tambaram),
Tambaram City Police,
Sholinganallur,
Chennai - 600 119.

... Respondents 1 & 2 in both
petitions

3.The Commissioner of Police,
Tambaram City,
Office of the Commissioner of Police,
Sholinganallur,
Chennai - 600 119.

... 3rd Respondent in Crl.O.P.No.
21480/2023



Crl.O.P.Nos.21476 & 21480 of 2023

Prayer: Criminal Original Petitions filed under Section 482 Cr.P.C., to set aside the docket order dated 05.09.2023 passed by learned Judicial Magistrate II, Chengalpattu, in the application for de-freezing and return of property filed by the petitioner.

For Petitioner : Mr.Dinesh D Tiwari
[in both petitions]

For Respondents : Mr.A.Damodaran
[in both petitions] Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed challenging the order passed by the Court below dated 05.09.2023, returning the petitions filed by the petitioner to defreeze the bank account and for returning the property that was seized in the course of investigation in Crime No.119 of 2022.

2. Heard Mr.Dinesh D Tiwari, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.



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3. On carefully going through the docket order, it is seen that the Court below had returned the petitions mainly on the ground that this Court had passed an order in Crl.O.P.No.20332 of 2023 dated 31.08.2023 directing the Court below to decide the petition filed by the *de facto* complainant in Crl.M.P.No.6819 of 2022 within a period of six weeks. The petitioner has filed petitions for defreezing the bank account and for return of property that was seized from the petitioner in the course of investigation.

4. The decision that is going to be taken by the Court below in the petition filed by the *de facto* complainant will have a lot of bearing in the petitions that have been filed by the petitioner. Hence, it will be appropriate for the petitioner to await for the final orders to be passed by learned Judicial Magistrate II, Chengalpattu, in the petition filed by the *de facto* complainant in Crl.M.P.No.6819 of 2022, which has been remanded back to the Court below for fresh hearing and for disposal within a period of six weeks. Depending upon the outcome of the petition that has been remanded back to the Court below, the petitioner is permitted to revive the petitions, which have been returned by learned



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Magistrate for the present. This clarity given by this Court will sufficiently take care of the interest of the petitioner.

5. Accordingly, these Criminal Original Petitions are disposed of.

Registry is directed to return back the original petitions to the learned counsel for petitioner in order to enable the petitioner to file the petitions at the appropriate time.

19.09.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

- 1.The Judicial Magistrate II,
Chengalpattu.
- 2.The Secretary to Government,
Home, Prohibition and Excise Department,
Chennai - 600 009.
- 3.The Sr.Inspector of Police,
E-9, Thazhambur Police Station
(CCB-Tambaram),
Tambaram City Police,
Sholinganallur,
Chennai - 600 119.
- 4.The Commissioner of Police,
Tambaram City,
Office of the Commissioner of Police,
Sholinganallur,
Chennai - 600 119.
- 5.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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19.09.2023