



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1812 of 2024

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... Petitioner

Vs.

The State Rep. by
Forest Range Officer,
Gingee Forest Range,
Crime No.238 of 2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the docket order dated 11.09.2023 in C.M.P.Sr.4785 of 2023 in C.C.No.69 of 2022 in Crime No.238 of 2021 of the file of the Judicial Magistrate Court, Gingee, Villupuram District and to direct the learned Judicial Magistrate Court, Gingee, Villupuram district to number the application.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This criminal original petition has been filed challenging the Docket Order of the learned Judicial Magistrate, Gingee, dated 11.09.2023, wherein, the learned



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Magistrate refused to entertain the application filed by the petitioner under Section 452 of Cr.P.C., for return of the property that was seized from the petitioner in the course of investigation in Crime No.238 of 2021.

2. When the matter came up for hearing during the last occasion, this Court directed the learned Additional Public Prosecutor to take instructions and to file a status report. Accordingly, the status report has been filed before this Court.

3. The relevant portions in the status report are extracted hereunder:

11. It is further submitted that after judgment, the petitioner/A3 filed a petition before the learned Judicial Magistrate, Gingee, Villupuram vide C.M.P.SR.No.4785 of 2023 in C.C.No.69 of 2022 under Section 452 of Cr.P.C., seeking for return of Gun which was marked as MO.1 and the same was returned since the petitioner had not produced any document to sustain that he is the owner of the gun and had not produced any valid license.

12. It is submitted that the petitioner had renewed the license on 09.03.2019 and it was renewed up to 31.12.2020. Further on the date of occurrence 31.05.2021, the petitioner had not renewed the license and till date the petitioner had not renewed the license for usage of the weapon/gun and in this petition also the petitioner has not produced any document to prove the ownership of the gun.



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4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

5. In the considered view of this Court, the petitioner who was ranked as A3 has already been acquitted from the case. Therefore, the petitioner is seeking for the return of the gun that was seized from the petitioner. The Court below is directed to entertain this application and hear the parties and pass final orders, within a period of four weeks.

6. This criminal original petition is disposed of with the above directions.

7. The Registry is directed to return back the original application that has been filed by the petitioner in order to enable the learned counsel for the petitioner to represent the same before the Court below.

29.02.2024

Index: Yes/No
Internet: Yes/No
SSR



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N.ANAND VENKATESH,J.

SSR

To

- 1.The Judicial Magistrate Court,
Gingee, Villupuram District.
- 2.The State Rep. by
Forest Range Officer,
Gingee Forest Range.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.

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