



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.7300 of 2023

Latha

..Petitioner/Petitioner

.Vs.

State rep.by
The Inspector of Police
Land Grabbing Cell, Team-XVI-A
Chennai.

.. Respondent/Respondent

Crime No.123 of 2021

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the return docket order made in unnumbered Crl.MP.No. Of 2022 dated 11.08.2022, on the file of the learned Special Metropolitan Magistrate, Land Grabbing Cases II, Egmore.

For Petitioner : Mr.S.N.Arunkumar
For Respondent : A.Gopinath
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed challenging the docket order passed by the Court below dated 11.8.2022, returning the application filed by the petitioner seeking for return of articles.



2. Herard Mr.S.N.Arunkumar, learned counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate (Crl.Side) for the respondent.

3. The case of the petitioner is that in the course of investigation in Crime No.123 of 2021, the petitioner's husband was arrested and the cash and gold jewellery was seized from the house of the petitioner.

4. The petitioner filed an application under Section 451 r/w Section 457 of Cr.PC for return of the gold jewels. This application was returned by the Court below on 10.6.2022 with an endorsement that the petitioner must file the proof for the purchase of the gold jewels. There upon, the petitioner represented the papers with an endorsement that the relevant documents have been annexed with the petition. Even thereafter, the Court below has once again returned back the papers through endorsement dated 11.8.2022. The same has been put to challenge in this petition.

5. In the considered view of this Court, the petitioner has taken a stand that whatever proof is available has already been filed along with the application. The Court below can very well number the application and deal with the same on merits. In the course of enquiry, the Court can satisfy itself as to whether the petitioner has established that she is the owner of the gold jewels and pass orders in accordance with law.

6. In the light of the above discussion, the Court below is directed to entertain



the application and pass orders strictly in accordance with law after affording an opportunity to the respondent police, within a period of **four weeks** from the date of receipt of copy of the order.

7. In the result, this criminal original petition is accordingly allowed.

11.01.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
KP

To

1. The Inspector of Police
Land Grabbing Cell, Team-XVI-A
Chennai.
2. Special Metropolitan Magistrate,
Land Grabbing Cases II, Egmore.
3. The Public Prosecutor,
High Court of Madras,
Madras.

N. ANAND VENKATESH., J

KP



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