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CrI.O.P.No.24422 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.O.P.No.24422 of 2024

Calaiarassy

... Petitioner/Owner of the case property
/versus/

State by,
The Station House Officer,
CB CID, Puducherry,
Puducherry.
(Crime No.05 of 2018).

... Respondent/Complainant.

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, pleaded to set aside the returned Docket Order passed by the learned II Additional District Judge at Puducherry in CrI.M.P.SR.No.543 of 2024 in S.C.No.103 of 2023 dated 04.09.2024 and to number the same and pass orders in accordance with law praying to return the petitioner's documents.

For Petitioner : Mr.A.Murugavel.

For Respondents : Mr.M.V.Ramachandramurthy,
Additional Public Prosecutor, (Pondy),
Assisted by Mr.A.Alexandar.



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ORDER

This Criminal Original Petition is filed challenging the docket order of the II Additional District Judge, Puducherry in CrI.M.P.SR.No.543 of 2024, dated 04.09.2024 stating the records sought for not been received from Lower Court, hence returned.

2. The father of the petitioner is the 2nd accused in Crime No.5 of 2018. Certain documents were seized from the petitioner by the respondent police as part of investigation and produced before the Jurisdictional Magistrate. Subsequently, after completion of investigation, final report filed and committed to Court of Sessions for trial and same taken on file by the II Additional District Judge, Puducherry in S.C.No.103 of 2023. While so, the petitioner herein has filed an application under Section 451 of Cr.P.C for return of document. In the said application, the Sessions Court has returned it with endorsement 'record not been received from the Lower Court'.

3. On notice, the Learned Additional Public Prosecutor (Puducherry) for the respondent police appeared and reports to the Court that two documents mentioned in the application were produced before the



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Jurisdictional Magistrate on 26.09.2018 and received under C.P.No.209 of

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4. In view of the above fact, it is appropriate to direct the II Additional Sessions Court, Puducherry, who is trying the case to entertain the application for return of documents and call for record from the Jurisdictional Court, if not so far forwarded to Sessions Court then pass appropriate order. To trace the documents, C.P.No.209 of 2018 provided by the Additional Public Prosecutor, Puducherry, shall be taken note.

5. With this observation, this Criminal Original Petition is disposed of.

22.10.2024

Index : Yes/No.

Neutral Citation : Yes/No.

bsm

To:-

1. The Learned II Additional District Judge, Puducherry.
2. The Station House Officer, CB CID, Puducherry.
3. The Public Prosecutor, (Puducherry), High Court, Madras.



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Dr.G.JAYACHANDRAN, J

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