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Crl.O.P.No.24497 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.24497 of 2024

Antony Stephenraj

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
Cyber Crime Branch,
Coimbatore District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, pleaded to direct the Judicial Magistrate No.IV, Coimbatore to entertain and number the unnumbered Crl.M.P.No. Of 2024 in CSR.No.4992 of 2024 on the file of the Judicial Magistrate No.IV, Coimbatore, which was returned on 24.09.2024

For Petitioners : Mr.M.Vairavan Kasirajan

For Respondent : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

The petitioner herein, who is claiming to be the power agent to Sathishkumar, has filed an application before the Judicial Magistrate No.IV, Coimbatore, seeking interim custody of the property and money.



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However, the Magistrate had returned the application saying that the petition is to be filed by the complainant i.e., Sathishkumar. Being aggrieved, the present petition is filed seeking direction to the Magistrate to entertain the petition for return of property filed by the complainant through power of attorney.

2. On perusing the record, this Court finds that the alleged power of attorney of Sathishkumar ,who is presently abroad, not been duly executed and attested in the manner known to law. Hence the Judicial Magistrate has ignored to take note of the so called power of attorney, rightly. Hence this Criminal Original Petition is disposed of with liberty to the petitioner herein to file application with proper power of attorney deed duly executed through embassy by the complainant and if such power of attorney deed filed along with petition for return of property to the satisfaction of the Magistrate, appropriate orders shall be passed.

3. With the above said observation, this Criminal Original Petition is disposed of.

03.10.2024

Neutral Citation : Yes/No
rpl



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To

1.The Judicial Magistrate No.IV, Coimbatore

2.The Inspector of Police,
Cyber Crime Branch,
Coimbatore District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.

Dr.G.JAYACHANDRAN,J.



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