

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.7261 of 2015

M.Nallusamy

.. Petitioner

Vs.

State rep. By Inspector of Police
Mohanur Police Station
Namakkal Taluk and District

.. Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the respondent herein to forthwith produce the vehicle of the petitioner herein bearing Reg. No.TN-28-AK-8312 seized in connection with Crime No.27 of 2015 on 06.02.2015 before the Judicial Magistrate No.II, Namakkal for passing appropriate orders under Section 457 of Cr.P.C as to delivery of possession of the said vehicle to the petitioner herein in accordance with law.

For Petitioner :: Mr.U.R.Rajasekaran

For Respondent :: Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioner seeks for a direction to the respondent herein to produce the vehicle of the petitioner bearing Reg. No.TN-28-AK-8312, which was seized in connection with Crime No.27 of 2015 on 06.02.2015, before the Judicial Magistrate No.II, Namakkal, for passing appropriate orders as to delivery of possession of the said vehicle to the petitioner herein in accordance with law.

2. The vehicle in question is involved in offence under Section 21(1) of the Mines and Minerals (Regulation and Development) Act, 1957 r/w. Section 379 IPC in Crime No.27 of 2015 on the file of the respondent police. Whenever the vehicle is seized, the fine will have to be paid to the Revenue Divisional Officer and only with the direction of the Revenue Divisional Officer, the vehicle will be produced before the Magistrate.

3. The learned counsel for the petitioner submits that the petitioner has paid the fine on 20.04.2015. If that is so, the petitioner is directed to produce the proof before the Revenue Divisional Officer for having paid the fine and on such production of proof, the Revenue Divisional Officer shall give necessary direction to the police to produce the vehicle before the concerned Magistrate as expeditiously as possible. Only thereafter, the petitioner can file a petition under Section 451 Cr.P.C for custody of the vehicle pending trial.

4. The criminal original petition is disposed of with the above direction.

gpa

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police
Mohanur Police Station
Namakkal Taluk and District

2. The Public Prosecutor
Madras High Court
Chennai

+ 1 cc to Mr.V.R.Rajasekaran,Advocat SR 23127

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Cr1. O.P. No.7261 of 2015

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