

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

CrI.O.P.No.14792 of 2015

R.Manikandan

.. Petitioner

Vs.

State by

The Inspector of Police,
Civil Supplies CID, Cuddalore,
Cuddalore District. .. Respondent

Prayer:-Criminal Original Petition is filed under Section 482 Cr.P.C., to direct respondent police to release the petitioner Tanker Lorry bearing Registration No.TN-31-AC-4071 by complying with order passed by the District Court in C.A.No.41 of 2014 dated 21.01.2015 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition to direct respondent police to release the petitioner Tanker Lorry bearing Registration No.TN-31-AC-4071 by complying with the order passed by the District Court in C.A.No.41 of 2014 dated 21.01.2015 to the petitioner.

2.Learned counsel appearing for the petitioner submitted that while disposing the appeal in C.A.No.41 of 2014, the learned Principal Sessions Judge, Villupuram passed the following order:

"..... the appellant is entitled to get interim custody of the vehicle bearing Reg.No.TN-31-AC-4071 on the following conditions:

a) The appellant shall execute bond for Rs.6,00,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.1, Villupuram by production of solvency certificate from the concerned Tahsildar or Revenue Officer as the

case may be, and also Registration Certificate and other records regarding his ownership, to the above said vehicle and the same shall be kept in the custody of the concerned Judicial Magistrate.

b) The appellant shall not transfer, alternate, encumber or dispose of the vehicle in any manner pending disposal of the same.

c) The appellant shall produce the above said vehicle on the 1st Monday of every English Calendar month before the concerned Judicial Magistrate until further orders."

He had further submitted that even though the learned Judicial Magistrate No.1, Villupuram sent a communication to the Inspector of Police, CSCID, Cuddalore to produce the lorry before the Court on 27.02.2015, the same has not been produced. Hence, the above petition has been filed for the aforesated relief.

3.At this juncture, the learned Additional Public Prosecutor would submit that challenging the impugned order passed in C.A.No.41 of 2014, the respondent police had preferred a revision with a petition in CrI.R.C.No.SR24072 of 2015 to condone the delay in preferring the revision, in which, the petitioner herein had appeared and contested the same. Hence, he prayed for dismissal of the petition.

4.Recording the submission made by the learned Additional Public Prosecutor, the Criminal Original Petition is dismissed with a direction that after disposal of the criminal revision petition, the petition is entitled to file a fresh petition, if necessary.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cse
To

1. The Principal Sessions Judge
Villupuram

2.The Judicial Magistrate No.I
Villupuram

3.The Inspector of Police,
Civil Supplies CID, Cuddalore,
Cuddalore District.

4.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.C. Prakasam, Advocate, Sr. 19863

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