

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.713 of 2016

P.Thiyagarajan

... Petitioner

Vs

1. The Inspector of Police,
Veerakanur Police Station,
Salem District.

2. The Inspector of Police,
Mohanur Police Station,
Namakkal District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents herein to produce the Petitioner's Vehicle bearing Chasis No.MBIG 3 DYC 8BRY - D 8002 before the Judicial Magistrate No.II, Namakkal, within a specific period of time as stipulated by this Court.

For Petitioners : Mr.V.Balamurugane

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to respondents herein to produce the Petitioner's Vehicle bearing Chasis No.MBIG 3 DYC 8BRY - D 8002 before the Judicial Magistrate No.II, Namakkal, within a specific period of time as stipulated by this Court.

2. The petitioner is the owner of Ashok Leyland Tipper Lorry bearing Chasis No.: MBIG 3 DYC 8BRY - D 8002 and bearing registration No.T.N.28 A.J.7201. The petitioner had bought the Lorry under Hypothecation. While so, in the course of business, the petitioner herein had given the Lorry to his friend namely one S.Arul, who was managing the Lorry by using it in his business. On 08.12.2014 evening, the driver of the Lorry, by name Arvind had parked the Lorry in the Amman Auto Workshop. On the next day, when the driver returned to the

workshop, he found that the lorry was missing. Therefore, a complaint has been lodged before the second respondent. On the basis of the said complaint, the second respondent has registered the F.I.R. in Crime No.354 of 2014 on 09.12.2014 under section 379 of IPC. While so, on 17.07.2015, the petitioner's lorry was found involved in an accident in Salem and the lorry had been driven into a house which is situated near the Roadside. On receipt of information, the petitioner rushed to the spot. It was found that the vehicle number plates had been fraudulently changed and another number plate bearing T.N.54 Z 3484 was found on the vehicle. On inspection of the chasis number, the petitioner was able to ascertain and identify his vehicle, which has been stolen on 09.12.2014. Following the accident, the first respondent had registered a case in Crime No.100 of 2015 for the offences under sections 279, 337, 304(A) and 427 of IPC. The petitioner's vehicle was also impounded and parked in the first respondent's office. Since the vehicle is the subject matter of the complaint in Crime No.354 of 2014, the petitioner produced all the relevant documents pertaining to the ownership of the vehicle before the first respondent, but the first respondent has rejected the representation of the petitioner. Hence the petitioner filed a petition under section 457 of Criminal Procedure Code, for return of the vehicle in C.M.P.No.5004 of 2015 before the learned Judicial Magistrate No.II, Namakkal. In spite of the order of the learned Judicial Magistrate No.II, Namakkal, no action has been taken by the first respondent for production of the vehicle. Hence, the present application has been filed to direct the first respondent to produce the vehicle bearing chasis No.MBIG 3 DYC 8BRY - D 8002 before the learned Judicial Magistrate No.II, Namakkal.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. When the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that if the petitioner produce all the original documents before the first respondent, the vehicle would be produced before the RTO Office and after completing all the process, the said vehicle will be produced before the Judicial Magistrate No.II, Namakkal.

5. In view of the submission of the learned Additional Public Prosecutor, this Court directs the petitioner to produce all the original documents before the first respondent within a period of one week from the date of receipt of a copy of this Order. On receipt of the same, the first respondent is directed to produce the vehicle before the RTO and after completing the entire process, the first respondent is directed to produce the vehicle before the learned Judicial

Magistrate No.II, Namakkal, as early as possible.

6. This Criminal Original Petition is disposed of accordingly.

-s/d-
Assistant Registrar (CCC)
dt:25/01/2016

True Copy

Sub-Assistant Registrar

vrc
To

1. The Inspector of Police,
Veerakanur Police Station,
Salem District.
 2. The Inspector of Police,
Mohanur Police Station,
Namakkal District.
 3. The Judicial Magistrate
No.II Namakkal
 4. The Public Prosecutor,
High Court, Madras.
- +1 cc to Mr.V.Bala Murugane Advocate sr.3563

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