



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.01.2017
CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

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Crl.O.P.(MD)No.22972 of 2016

M.Poomadevi

: Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2.The Inspector of Police,
Aruppukkottai Taluk Police Station,
Aruppukkottai,
Virudhunagar district.

3.The Sub Inspector of Police,
Mallankinaru Police Station,
Mallankinaru, Aruppukkottai Taluk,
Virudhunagar District.

: Respondents

Prayer: This petition is filed under Section 482 of Cr.P.C., to direct the respondents 2 and 3 herein to take appropriate steps to seize on record and produce the Lorry bearing registration No.TN-69-Q-5499 Lorry before the Judicial Magistrate Court No.1, Virudhunagar in connection with the Crime No.157 of 2016, dated 26.10.2016 on the file of the 3rd respondent.

For Petitioner : Mr.V.B.Sundhareshwar

For respondents : Mr.A.P.Balasubramani

Government Advocate (Crl. Side)

O R D E R

This petition is filed seeking for a direction, directing the respondents 2 and 3 to take appropriate steps to seize on record and produce the Lorry bearing registration No.TN-69-Q-5499 before the Judicial Magistrate Court No.1, Virudhunagar, in connection with the Crime No.157 of 2016, dated 26.10.2016 on the file of the 3rd respondent.

2.The learned counsel appearing for the petitioner would submit that the respondents police had to seize the lorry bearing registration No.TN-69-Q-5499 and produce the same before the Judicial Magistrate No.1, Virudhunagar, but they have not produced the same and due to non production of the alleged vehicle, the



petitioner is not in a position to file a Motor Accident Claim Petition, claiming compensation for the death of her husband and that the petitioner could get the details of vehicle and insurance particulars, only after seizure of the vehicle on record, alone. Hence, he prayed that the respondents may be directed to seize the said lorry and produce the same before the Judicial Magistrate Court No.1, Virudhunagar.

3.The Government Advocate (Criminal side) appearing for the respondents would submit that the petition filed by the petitioner is not at all maintainable in law and hence, the same is liable to be dismissed.

4.Heard both sides and perused the materials available on record and also perused the CD file produced on the side of the respondents .

5.It is seen from the record that the case in Crime No.157 of 2016 stands registered for the accident occurred on 26.10.2016. On perusal of the CD file, it is seen that one Ravichandran has produced the lorry bearing registration No.TN-69-Q-5499 and appeared for enquiry before the investigating officer and after investigation, the investigating officer came to a conclusion that the lorry bearing registration No.TN-69-Q-5499 was not involved in the accident on 26.10.2016 as alleged by the petitioner and the lorry was not at all present in the scene of the occurrence.

6.It is also revealed from statement of Mr.Ravichandran and one Mr.Irulappan that the alleged lorry was not present in the place of the alleged occurrence. Hence, this court is of the considered view that since, the lorry bearing Registration No.TN-69-Q-5499 was not at all in the place of occurrence, there is no necessity to seize the lorry as alleged by the petitioner. Therefore, the relief sought for by the petitioner cannot be granted.

7.In the result, this criminal original petition is dismissed.

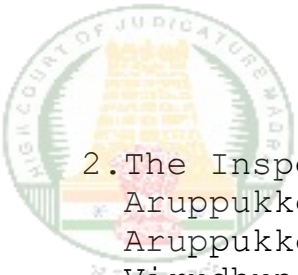
Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To,

1.The Superintendent of Police,
Office of the Superintendent of Police,
<https://hcservices.ecourts.gov.in/hcservices/>
Virudhunagar District,
Virudhunagar.



2.The Inspector of Police,
Aruppukkottai Taluk Police Station,
Aruppukkottai,
Virudhunagar district.

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3.The Sub Inspector of Police,
Mallankinaru Police Station,
Mallankinaru, Aruppukkottai Taluk,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.B.Sundhareshwar,Advocate Sr.No.702

Cr1.O.P. (MD) No.22972 of 2016
3.01.2017

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