



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2017

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

Crl.O.P. (MD) No.14963 of 2011

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S.Vigilan @ Francis Xavier

... Petitioner

-vs-

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Assistant Superintendent of Police,
Colachel Division,
Colachel, Kanyakumari District.

3.The Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.

4.The Special Sub Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondents 2 and 4 to return back the bike, pulsar bearing registration No.TN 74-3400 taken away from the petitioner illegally.

For Petitioner : Mr.C.T.Perumal

For Respondents : Mr.K.Anbarasan
Govt. Advocate (Crl.Side)

O R D E R

This Criminal Original petition has been filed under Section 482 of Criminal Procedure Code, directing the respondents 2 and 4 to return back the bike, pulsar bearing registration No. TN 74-3400 taken away from the petitioner illegally.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/> The brief facts of the case is that on 21.10.2011 the second and fourth respondent herein along with other police men



came to the petitioner's house in the mid night and took the pulsar bike bearing registration No.TN74-3400 belonging to the petitioner unlawfully without any authority or any criminal case. Aggrieved by the same the petitioner filed the present criminal original petition under Section 482 of Cr.P.C.

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4.The learned counsel appearing for the petitioner would submit that the bike was illegally taken away from the petitioner in the year 2011 but till date the said bike was not returned to the petitioner. Hence, he prayed this Court to issue appropriate directions to the law enforcing agency to return his bike.

5.The learned Government Advocate (Crl.side) appearing for the respondents would submit that there are eight previous case against the petitioner. He is a rowdy element and history sheeted rowdy. In order to prevent the police official to take action against the petitioner, the petitioner approached this Court with this false case. The police officer never take any bike as stated by the petitioner.

6.Considering the submission made by the learned Government Advocate (Crl.side) that since eight previous cases are pending against the petitioner and the petitioner did not show any document to show that the petitioner's bike was taken by the Law Enforcing Agency and in the absence of any material or any evidence before this Court, this Court is not inclined to grant any relief as sought by the petitioner. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To:

- 1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.
- 2.The Assistant Superintendent of Police,
Colachel Division,
Colachel, Kanyakumari District.
- 3.The Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.
- 4.The Superintendent of Police,
Vellichanthai Police Station,
Kanyakumari District.



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

+1cc to Mr.C.T.PERUMAL, Advocate, SR. 87850

Cr1.O.P. (MD) No.14963 of 2011
16.11.2017

CP/MM
KK/SV MMS/SAR 3/05.12.2017/ 3P- 7C/