IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.12190 of 2018

T.Ranjith

.. Petitioner

Vs

1.The District Superintendent of Police,
Salem District,
Nethimedu,
Salem.

2.The Deputy Superintendent of Police,
Vazhapadi Police Station,
Vazhapadi,
Salem District.

3.The Inspector of Police,
Karipatti Police Station,
Karipatti,
Salem District.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., seeking a direction to the respondents to forthwith return the vehicle of the petitioner, namely, bearing Registration No.TN-27D-9385, Yamaha RX100, to the petitioner.

For Petitioner : Mr.K.Selvaraj

For Respondent : Mr.C.Iyappa Raj,
Additional Public Prosecutor

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O R D E R

This Criminal Original Petition has been filed a seeking direction to the respondents to forthwith return the vehicle of the petitioner, viz., Yamaha RX100, bearing Registration No.TN-27D-9385, to the petitioner.

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2. On 14.06.2018, this Court passed the following order:

"It is the case of the petitioner that his vehicle, viz., Yamaha Motorcycle bearing Registration No.TN-27D-9385 has been illegally detained by the third respondent police and they are not handing over the same to him.

2. On notice, Mr.N.Shanmugasundaram, Inspector of Police, Karipatti Police Station is present. He has filed a status report, wherein, he has stated that the petitioner is a notorious criminal and that there are three cases against him. However, the Inspector of Police has denied the allegation that the petitioner's motorcycle is with the third respondent police.

3. Under such circumstances, this Court directs the District Munsif-cum-Judicial Magistrate, Vazhappadi, Salem District to make an inspection at the Karipatti Police Station and send a report to this Court as to whether the motorcycle bearing Registration No.TN-27D-9385 is available there. The report shall be sent to this Court before 26.06.2018.

Call on 26.06.2018."

3. Pursuant to the order, the District Munsif-cum-Judicial Magistrate, Vazhappady, has sent a report dated 25.06.2018, wherein, it is stated as follows:

It is most humbly submitted that as per the Reference cited above said order copy received on the afternoon of 25.06.2018. I have perusal of the available records, in Cr.No.75/2018, U/Sec.147, 148, 294(b), 323, 427, 506(2) IPC @ 147, 148, 294 (b), 323, 506(2) IPC and 3(1) TNPPDL Act. On perusal of records I found that No such vehicle TN-27-D-9385, Yamaha RX 100 it has not seized and produced before this Court. I also further submit that as per the order of Hon'ble High Court in Crl.O.P.No.12190 of 2018. I have visited the Karipatty Police Station on 25.06.2018 the premises of the Police Station In and Out. I physically verified In and Out of the premises of Police Station and I find No such Vehilce bearing Registration No.TN-27D-9385, Yamaha RX 100 found in the premises of the Police Sation and also I have verified the C.D. file of Cr.No.75/2018 and I have found that No such vehicle has been seized in that particulars Cr.No.75/2018.

This is for your Hon'our kind information".

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4. Accepting the report, this petition is closed with liberty to the petitioner to workout his remedy in the manner known to law.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The District Superintendent of Police,
Salem District,
Nethimedu,
Salem.

2.The Deputy Superintendent of Police,
Vazhapadi Police Station,
Vazhapadi,
Salem District.

3.The Inspector of Police,
Karipatti Police Station,
Karipatti,
Salem District.

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.51686

CRL.O.P.No.12190 of 2018

KAN(CO)
GSP(16/08/2018)

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