

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2018

CORAM

THE HON'BLE Mr. JUSTICE V.PARTHIBAN

Crl.R.C.No.1418 of 2018

Jayaselvean

... Petitioner/Owner of the Vehicle

Vs

State rep by,
The Inspector of Police,
Vadalur Police Station,
Kancheepuram District.

... Respondent/Complainant

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, against the order dated 29.11.2018 passed by the learned Judicial Magistrate No.III, Cuddalore in Crl.M.P.S.R.No.4283 of 2018 and to return the Tipper Lorry bearing Registration No.TN 21 AY 3481 to the custody of the petitioner.

For Petitioner : Mr.D.Dayalan for
Mr.C.Punniakoti

For Respondent : Mr.G.Harihara Arun Somashankar,
Government Advocate (Crl.Side)

O R D E R

The present revision case has been filed against the order dated 29.11.2018 passed by the learned Judicial Magistrate No.III, Cuddalore in Crl.M.P.S.R.No.4283 of 2018 , dismissing the petition filed under Section 451 of Cr.P.C., for return of the Tipper Lorry.

2. The learned Judicial Magistrate has disallowed the petition on the basis of the decision of the Hon'ble Division Bench of this Court in W.P.No.20020 of 2017. Though the order was passed by the learned Magistrate on 29.11.2018, the Hon'ble Division Bench of this Court, subsequently, by its order dated 29.10.2018, has modified the earlier direction and ordered release of the vehicle on certain conditions. Unfortunately, this was not referred to by the learned Magistrate.

3. In view of the above, the present revision case is dismissed with liberty to the petitioner to approach the learned Judicial Magistrate No.III, Cuddalore, with a fresh petition indicating the subsequent modified order passed by the Hon'ble Division Bench of this Court and the learned Magistrate is directed to dispose of the same on merits and in accordance with law on the basis of the subsequent modified order passed by the Hon'ble Division Bench of this Court. The learned Magistrate is directed to pass appropriate orders as indicated above, as expeditiously as possible.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gsk

To

1.The learned Judicial Magistrate No.III,
Cuddalore.

2.The Inspector of Police,
Vadalur Police Station,
Kancheepuram District.

3. The Public Prosecutor
High Court, Madras 104.

+1 CC to Mr.G.Punniyakotti, Advocate sr 88822.

CrI.R.C.No.1418 of 2018

VGII(CO)
SP(21/12/2018)

सत्यमेव जयते

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