

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.29972 of 2018

N.G.Venkatesan

... Petitioner

Vs.

State by

The Inspector of Police,
Kanagamma Chatram Police Station,
Kanagamma Chatram,
Thiruthani Taluk,
Tiruvallur District.
(Cr.No.475 of 2018)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the Judicial Magistrate, Thiruthani, Tiruvallur District to entertain the petitioner's petition for release of Tractor bearing Registration No.TN-20-CA-3091 along with Trailer bearing Registration No.TN-20-CA-3117 consequently direct the Judicial Magistrate, Thiruthani to release the Tractor bearing Registration No.TN-20-CA-3091 along with Trailer bearing Registration No.TN-20-CA-3117 by taking note of the order passed by this Hon'ble Court Division Bench made in W.P. (MD)Nos.22023 to 22026 etc., dated 29.10.2018.

For Petitioner :Mr.C.Prakasam

For Respondent :Mr.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed for a direction to the Judicial Magistrate, Thiruthani, to entertain the petition filed by the petitioner for release of Tractor.

2. The Tractor belonging to the petitioner was seized by the respondent police in Crime No.475 of 2018 for an offence under Sections 379 and 430 IPC and under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. The petitioner filed a petition on 04.12.2018 seeking for return of the Tractor. This petition was not entertained by the Court below and therefore, the present Criminal Original Petition has

been filed before this Court.

3. The position of law has been clarified by this Court by the Judgment made in Muthu Vs. The District Collector, Puducherry and others in W.P(MD)No.19936 of 2017 etc., wherein this Court has given guidelines with regard to the manner in which the petition filed for return of vehicle should be entertained by the concerned Jurisdictional Court.

4. This Criminal Original Petition is disposed of by giving liberty to the petitioner to re-present the petition for release of vehicle before the Judicial Magistrate, Tiruthani and the said petition shall be entertained by the Court below and shall be decided in accordance with the guidelines given by this Court in the Judgment referred supra, within a period of two weeks from the date of receipt of copy of this order .

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

lpp/vsa

To

1. The Judicial Magistrate,
Thiruthani

2.The Inspector of Police,
Kanagamma Chatram Police Station,
Kanagamma Chatram,
Thiruthani Taluk,
Tiruvallur District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate SR.No.88827

GMY (02/01/2019)

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