



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESHCr1.O.P.(MD)No.15432 of 2018

Sreedharan

... Petitioner/Petitioner

Vs.

The State rep by
The Sub Inspector of Police
Pudukadai Police Station
Pudukadai
Kanyakumari District
Crime No. 128 of 2018

...Respondent/Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the docket order passed by the learned Judicial Magistrate No.II, Kuluthurai in R.P.No.67 of 2018 on 23.07.2018 and consequently allow this petition and direct the learned Judicial Magistrate No.II, Kulithurai to consider the petitioner's petition for return of property in pursuance of the power of attorney dated 05.07.2016 and hand over the interim custody of the vehicle bearing registration number TN 75 H 0481 to the petitioner .

For Petitioner : Mr.Antony S.Prabahar

For Respondent : Mr.M.Chandrasekaran
Additional Public Prosecutor**ORDER**

This Criminal Original Petition has been filed aggrieved by the order passed by the learned Judicial Magistrate No.II, Kulithurai wherein the petition filed under Section 451 of Cr.P.C for return of property was returned by the learned Magistrate on the ground that the petition cannot be filed by the Power of Attorney agent and it can only be filed by the owner of the property.

2. The learned counsel for the petitioner would submit that the owner of the property was working in Muskat and he is nephew of the petitioner. The owner of the property has given the said Power of Attorney on 05.07.2016 and it was duly attested by the Indian Embassy at Muskat and this Power of Attorney specifically authorises



the petitioner to take steps to get the property returned from the Court.

3. In the considered view of this court, the Court below ought to have entertained the petition and the petition should not be returned on the ground that the agent has filed the petition. What is required to be seen by the Court is that the agent who is representing the owner of the property has been duly authorised to file the petition for return of property,

4. The learned counsel for the petitioner would further submit that the original RC book pertaining to the vehicle is with the petitioner and he is willing to submit the same before the Court below.

5. The learned Judicial Magistrate No.II, Kulithurai is directed to entertain the petition filed by the petitioner in his capacity as Power of Attorney agent of the owner of the vehicle for return of property. The petitioner is directed to file original Power of Attorney as well as original RC book pertaining to the vehicle before the Court and the court shall consider the petition and pass orders in accordance with law.

6. With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The Judicial Magistrate No.II
Kulithurai
2. The Sub Inspector of Police
Pudukadai Police Station
Pudukadai
Kanyakumari District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.Antony S.Prabhakar, Advocate in SR.No.81182.

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DS SKN SAR-1:06.09.2018: 2P/5C

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