



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRL.OP.(MD) No.9921 of 2018

J.V.Pradeesh

... Petitioner

Vs.

State of Tamil Nadu,  
Rep. by The Inspector of Police,  
Eraniel Police Station,  
Kanyakumari District.  
(Crime No.51 of 2018)

... Respondent

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent police to produce the Motor Bike of the petitioner with Reg. No.TN-75-Y-9546 before the Judicial Magistrate No.1 Court, Thuckalay, enabling the petitioner to file a petition under Section 451 of Cr.P.C. for return of the vehicle by producing necessary solvent sureties.

For Petitioner : Mr.S.Titus  
For Respondent : Mr.K.Suyambulinga Bharathi  
Government Advocate (Crl. side)

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ORDER

This Criminal Original Petition is filed directing the respondent police to produce the Motor Bike of the petitioner, bearing Reg.No.TN-75-Y-9546 before the learned Judicial Magistrate No.1, Thuckalay, so as to enable the petitioner to file a petition under Section 451 of Cr.P.C. for return of the vehicle by producing necessary solvent sureties.

2. Heard Mr.S.Titus, learned Counsel for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. side), who takes notice for the respondent.

3. The learned Counsel for the petitioner would submit that the petitioner's vehicle was recovered by the respondent police in connection with the case in Crime No.51 of 2018 filed under Sections 452, 294(b), 323, 506(i) & 379 IPC and the same was kept under the custody of the respondent police. Since the vehicle is kept in the custody of the respondent police, without any use, by exposing it to sun and rain, it would certainly lose its value and therefore, the petitioner is before this Court for the aforesaid relief.



4. The learned Government Advocate (Crl. side), on instructions, would submit that the vehicle in question was produced and handed over to the learned Judicial Magistrate, Eraniel, on 14.06.2018. To that effect, he has produced a copy of Form No.91.

5. In view of the said submission made by the learned Government Advocate (Crl. Side), this Criminal Original Petition is dismissed, with liberty to the petitioner to approach the Judicial Magistrate Court, Eraniel, by way of an appropriate application.

Sd/  
Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Inspector of Police,  
Eraniel Police Station,  
Kanyakumari District.

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

Copy to:

1.The Judicial Magistrate No.I,  
Thuckalay.

2.The Judicial Magistrate,  
Eraniel.

+1cc to Mr.S.TITUS, Advocate, SR.No. 69064

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20.06.2018

GK

KK/SV MMS/SAR-1/28.06.2018/2P-6C/