



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.4186 of 2016

Sathan @ Ezharai Sathan ... Petitioner / Petitioner / Petitioner
Vs.

State represented by
The Inspector of Police,
K.Pudupatti Police Station,
K.Pudupatti, Thirumayam Taluk,
Pudukottai District.

...Respondent/Respondent/Respondent

PRAYER:- Petition - filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the proceedings in Cr.R.P.No.14 of 2013 on the file of the Principal District and Sessions Judge, Pudukottai dated 16.06.2014 confirming Cr.M.P.No.2405 of 2013 on the file of the learned Judicial Magistrate, Thirumayam dated 10.06.2013 and set aside the same.

For Petitioner : Mr.T.Antony Arul Raj

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

ORDER

This petition has been filed challenging the order passed in Cr.R.P.No.14 of 2013, dated 16.06.2014 by the Principal District and Sessions Judge, Pudukottai confirming the order passed in Cr.M.P.No.2405 of 2013 dated 10.06.2013 by the learned Judicial Magistrate, Thirumayam, dismissing the application filed by the petitioner for return of his Tractor bearing Registration No.TN-55-K-9672.

2. It is seen from the records that the Tractor was seized for an offence in Crime No.3 of 2008. Even today, no final report has been filed in this case and the Tractor that was seized is still in the custody of the respondent police.

3. When the respondent police is not willing to proceed further in this case for more than 12 years, even without filing a final report, no useful purpose will be served by keeping the Tractor in the custody endlessly.

4. In view of the above, there shall be a direction to the respondent police to hand over the Tractor bearing Registration No.IN-55-K-9627 to the petitioner on the following conditions:



"1. The petitioner shall not alienate the Tractor bearing Registration No.TN-55-K-9627, till the disposal of the case and shall produce the Tractor as and when directed to be produced by the Court below, during the proceedings.

2. The petitioner shall not involve himself in any other case of sand theft and use the Tractor for the said purpose."

5. This Criminal Original Petition is disposed of with the above directions.

Sd/

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar(CS-II)

To

1.The Principal District and Sessions Judge, Pudukottai.

2.The Judicial Magistrate, Thirumayam.

3.The Inspector of Police,
K.Pudupatti Police Station,
K.Pudupatti, Thirumayam Taluk,
Pudukottai District.

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

+1cc to Mr.T.ANTONY ARUL RAJ, Advocate, SR.No. 81832

CrI.O.P.(MD)No.4186 of 2016
31.08.2018

SM

KK/RP/SAR-2/26.09.2018/2P-6C