



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.14583 of 2018

Edwin Raj

... Petitioner

-Vs-

1. The Superintendent of Police,
Kanniyakumari District.

2. The Inspector of Police,
Eraniel Police Station,
Kanniyakumari District.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent to release the Honda Passion Pro vehicle of the petitioner bearing registration No.TN 75 Z 3035 forthwith.

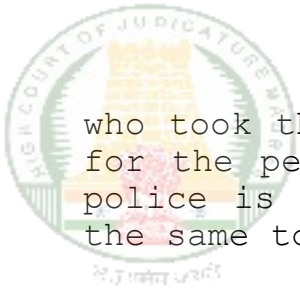
For Petitioner : Mr.K.P.Narayanakumar
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

ORDER

This petition has been filed for a direction to the second respondent to release the two wheeler belonging to the petitioner.

2.The learned counsel for the petitioner would submit that an F.I.R came to be registered against the petitioner for the offence punishable under Section 75 of the Tamilnadu City Police Act. The respondent police wanted to the petitioner to plead guilty. However, the petitioner wanted to contest the said case.

3.The learned counsel for the petitioner would submit that on 14.05.2018 at about 5.30 p.m., the petitioner had parked his two wheeler near a Tempo workshop and he went to Manavalakurichi with his friend. When he returned, the two wheeler was missing and on enquiry the petitioner found that it was taken by the Sub Inspector of Police belonging to the second respondent police station. The learned counsel for the petitioner would submit that Tamilnadu Merchantile Bank is situated very near to the place of occurrence and the C.C.T.V footage in the said bank will clearly reveal as to



who took the vehicle parked by the petitioner. The learned counsel for the petitioner would further submit that the second respondent police is illegally detaining the two wheeler and not handing over the same to the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side) would submit that the second respondent never took away the two wheeler belonging to the petitioner. Even on instruction, the learned counsel reiterated the same stand.

5. Considering the facts and circumstances of the case, since the petitioner complains that the two wheeler was taken by the Sub Inspector of Police belonging to the second respondent police station, this Court deems it fit to direct the Deputy Superintendent of Police, Kulachal to investigate the complaint given by the petitioner with regard to his missing of bike. The Deputy Superintendent of Police, Kulachal is directed to immediately enquire into the matter and proceed in accordance with law.

6. This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Kanyakumari District.
2. The Deputy Superintendent of Police,
Kulachal.
3. The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.K.P.NARAYANA KUMAR, ADVOCATE IN SR No. 80658

TM

TE/RSK/SAR-2 : 11/09/2018 : 2P/6C

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