



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.(MD)No.23116 of 2018

Rengasubramanian @ Renganathan

.. Petitioner

vs.

1.The Superintendent of Police,
Tirunelveli,
Tirunelveli District.

2.The Inspector of Police,
Karivalamnallur Police Station,
Tirunelveli District.

.. Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the second respondent to release the Hero Honda Passion Motorcycle, bearing Registration No.TN-76-P-6162.

For Petitioner : Mr.N.Kamesh

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

ORDER

This Writ Petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the second respondent to release the Hero Honda Passion Motorcycle, bearing Registration No.TN-76-P-6162, which has been detained by the second respondent.

2.Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that the petitioner is arrayed as A2 in Crime No.277 of 2018 for the offence punishable under Section 379 IPC, Cattle Theft. He would further submit that since it was found that the vehicle was involved in the said offence, the same has been seized under the cover of Mahazar and produced before the Magistrate Court. He would also submit that the proper procedure would be to file a petition under Section 451 Cr.P.C., for return of vehicle and that this writ petition is not maintainable.



3. This Court is of the opinion that the remedy available to the petitioner is to approach the concerned Criminal Court and file appropriate petition seeking return of vehicle. Accordingly, this Writ Petition is closed. No costs.

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Sd/

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Superintendent of Police,
Tirunelveli,
Tirunelveli District.
2. The Inspector of Police,
Karivalamnallur Police Station,
Tirunelveli District.

+1 cc to Mr.N.Kamesh, Advocate, SR.No.98356

smn2

SS/PM/SAR 3/28.12.2018/2P/4C

W.P. (MD) No.23116 of 2018
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