

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE. V. PARTHIBAN

Crl.RC.No.17 of 2019

M.Kamatchi

...Petitioner

Vs.

State: rep. by its,  
Station House Officer,  
Thiruvannainallur Police Station,  
Villupuram District.  
Cr.No.806 of 2018

...Respondent

Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order/ Returned dated 17.12.2018 passed by the learned Judicial Magistrate, No.II Ulundurpet in Crl.MP.SR.No.2995 of 2018 and to return of the Tipper Lorry bearing registration No.TN-31-J-1454 to the custody of the petitioner.

For Petitioner : Mr.G.Punniakoti

For Respondent : Mr. Harihara Arun Somasankar,  
Government Advocate (Crl.Side)

ORDER

The present revision petition has been filed against the order dated 17.12.2018 passed by the learned Judicial Magistrate, No.II Ulundurpet in Crl.MP.SR.No.2995 of 2018, dismissing the petition filed by the petitioner under Section 451 of Cr.P.C seeking return of the Tipper Lorry bearing registration No. TN-31-J-1454.

2.The learned Judicial Magistrate, has disallowed the petition on the basis of the decision of the Hon'ble Division Bench of this Court in W.P.No.20020 of 2017. Though the order was passed by the learned Magistrate on 17.12.2018, the Hon'ble Division Bench of this Court, subsequently, by its own order

dated 29.10.2018, in W.P.(MD) Nos.22023 to 22026 of 2018 etc., has modified the earlier direction and ordered release of the vehicle on certain conditions. Unfortunately, this was not referred to by the learned Magistrate.

3.In view of the above, the present Criminal Revision Petition case is dismissed with liberty to the petitioner to approach the learned Judicial Magistrate No.II, Ulundurpet with a fresh petition indicating the subsequent modified order passed by the Hon'ble Division Bench of this Court and the learned Magistrate is directed to dispose of the same on merits and in accordance with law on the basis of the subsequent modified order passed by the Hon'ble Division Bench of this Court. The learned Magistrate is directed to pass appropriate orders as indicated above, as expeditiously as possible.

kit/msk

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Station House Officer,  
Thiruvannainallur Police Station,  
Villupuram District.
2. The Judicial Magistrate II,  
Ulundurpet.
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.G.Punniyakotti, Advocate, SR.NO.1211

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kak(08/01/2019)

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