

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.332 of 2019

Banumathy ... Petitioner  
Vs.

State rep. by  
The Sub Inspector of Police,  
Keelvelur Police Station,  
Nagapattinam District.  
(Crime No. 464 of 2018) ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent police to return of the Vehicle Sonalika Tractor bearing Regn.No.TN-51-AJ2113, Engine No.3100FLU73H666718F18, Chasis No.JZJST673759SM to the petitioner.

For Petitioner : Mr.K.M.Subramaniam

For Respondent : Mr.M.Mohamed Riyaz  
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to respondent police for return of vehicle, which has been seized by the respondent police for an offence under sections 379, 430, 21(i) of Mines & Minerals (Development & Regulation) Act, in Crime No.464 of 2018.

2.The learned counsel for the petitioner would submit that when a petition was filed before the Court below seeking for return of vehicle, the same was returned by the Court below with an endorsement that the petition can be filed only before the concerned Court, based on the direction given by this Court in a writ petition.

3.The learned counsel for the petitioner would submit that this Court has subsequently passed an order in W.P(MD).No.19936 of 2017 etc., dated 29.10.2018, wherein this Court has given various directions to the Magistrate Court while dealing with the petitions filed for return of vehicle seized for the offence

under the Mines & Minerals Act. The learned counsel also brought to the notice of this Court, the earlier order passed by this Court in CrI.O.P.No.26802 of 2018, dated 03.12.2018 under similar circumstances.

4.This Criminal Original Petition is disposed of, with a direction to the learned Judicial Magistrate No.I,Nagapattinam to entertain the petition filed by the petitioner for return of the vehicle and consider and pass orders in accordance with the guidelines given by this Court in W.P.(MD).No.19936 of 2017 dated 29.10.2018. This exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

stm/rpl

To

1.The Judicial Magistrate No.I,  
Nagattinam.

2.The Sub Inspector of Police,  
Keelvelur Police Station,  
Nagapattinam District.

3.The Public Prosecutor,  
High Court, Madras.

+1 cc to Mr.K.M.Subramaniam, Advocate SR.No.1746

MP(CO)

CSL/01.02.2019

सत्यमेव जयते

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