

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.471 of 2019

R.Udayakumar

...Petitioner

Vs.

State by
The Inspector of Police,
Baluchettychatram Police Station,
Baluchettychatram,
Kancheepuram District,
(Crime No.489 of 2018)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to set aside the docket order passed on 23.10.2018 in the return of property petition filed by the petitioner and direct the learned Judicial Magistrate No.1, Kancheepuram to take on the file the petition.

For Petitioner : Mr.K.M.Balaji
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the Court below to entertain the petition filed by the petitioner for return of vehicle, which has been seized by the respondent police for an offence under section 430,379 of IPC r/w Section 21(1) of M.M.Act and Section 3(1) of T.N.P.P.D.L.Act 1992, in Crime No.489 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 earlier petition has been dismissed on the ground that the petition can be filed only before the Special 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, Kancheepuram 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(J)

//True Copy//

Sub Assistant Registrar

rri/rka

To

1.The Judicial Magistrate No.I,
Kancheepuram.

2.The Inspector of Police,
Baluchettychatram Police Station,
Baluchettychatram,
Kancheepuram District,
(Crime No.489 of 2018)

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.M.Balaji, Advocate, S.R.No.1996

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GSP(29/01/2019)

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