

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.632 of 2019

S.Balasubramanian

...Petitioner

Vs.

State rep by its Inspector of Police,
Thiyagadurugam Police Station,
Villupuram District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., praying to set aside the docket order dated 26.11.2018 and direct the ***learned Judicial Magistrate No.II**, Kallkurichi, Villupuram District to taken on the file the return of property petition within a reasonable time to be fixed by this Court.

For Petitioner : Mr.P.Rajavel

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

ORDER

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 21(i) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.607 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 Crl.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.II**, Kallkurichi, Villupuram District, 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 VI)

Dated: 10.01.2019

*** Corrected as per order**

dated 28.01.2019 made in

Crl.M.P. 1275/2019 in

Crl.O.P. 632/2019

sd/- Assistant Registrar(CS VI)

Dated: 30.01.2019.

//True Copy//

Sub Assistant Registrar

ub/ssr

To

1.The Judicial Magistrate No.II
Kallkurichi, Villupuram District.

2.The Inspector of Police,
Thiyagadurugam Police Station,
Villupuram District

3.The Public Prosecutor,
High Court, Madras.

To be Substituted
to the order already
despatched on
11.01.2019

+1cc to Mr.P.Rajavel, Advocate, S.R.No.6301.

Crl.O.P.No.632 of 2019

CP(CO)

RRS 10/01/2019

SP(30/01/2019)