

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1831 of 2019

Sivakumar

... Petitioner

Vs.

State rep. by
The Sub-Inspector of Police,
Kilpennathur Police Station,
Thiruvannamalai District.
(Crime No.901 of 2018)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the Judicial Magistrate No.II, Thiruvannamalai to consider and pass order of the return of the above property namely a Tractor with Tipper registration No.TN 25 AK 0703 Engine No.521526411606, Chazis No.921615160459, Green Colour to the petitioner.

For Petitioner : Mr.NA.Malaisaravanan

For Respondent : Mr.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed for a direction to the Judicial Magistrate No.II, Thiruvannamalai, to entertain the petition filed by the petitioner for release of Tractor with Tipper.

2. The Tractor with Tipper belonging to the petitioner was seized by the respondent police in Crime No.901 of 2018 for an offence under Section 379 IPC., r/w 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957. The petitioner filed a petition on 22.11.2018 seeking for return of the Tractor with Tipper. This petition was not entertained by the Court below and therefore, the present Criminal Original Petition has been filed before this Court.

3. The position of law has been clarified by this Court by the Judgment made in Muthu Vs. The District Collector, Puducherry and others in W.P(MD)No.19936 of 2017 etc., wherein this Court has given guidelines with regard to the manner in which the petition filed for return of vehicle should be entertained by the concerned Jurisdictional Court.

4. This Criminal Original Petition is disposed of by giving liberty to the petitioner to re-present the petition for release of vehicle before the Judicial Magistrate No.II, Thiruvannamalai and the said petition shall be entertained by the Court below and shall be decided in accordance with the guidelines given by this Court in the Judgment referred supra, within a period of two weeks from the date of receipt of copy of this order .

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsa/msrm

To

1.The Judicial Magistrate No.II,
Thiruvannamalai.

2.The Sub-Inspector of Police,
Kilpennathur Police Station,
Thiruvannamalai District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.NA.Malaisaravanan, Advocate Sr.No.5428

CSL/11.02.2019

Cr1.O.P.No.1831 of 2019

WEB COPY