

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2019

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

CrI.OP.No.1192 of 2019

D.Jagadeesan

... Petitioner

Vs.

State Rep. by,
The Sub Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.
(Crime No.738 of 2018)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.PC to set aside the docket order passed on 03.01.2019 in the return of property petition filed by the petitioner and direct the learned Judicial Magistrate No.II, Kancheepuram to taken on the file the petition.

For Petitioner : Mr.K.M.Balaaji

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 set aside the docket order passed on 03.01.2019 for return of vehicle, which has been seized by the respondent police for an offence under section 430, 379 of IPC r/w 21(1) of Mines and Minerals Act and 3(i) of TNPPDL Act, in Crime No.738 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 Sub Inspector of Police, Kanchi Taluk Police Station, Kancheepuram 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-IV)

//True Copy//

Sub Assistant Registrar

vv2/rka

To

1. The Judicial Magistrate No.II,
Kancheepuram.
2. The Sub Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District.

3. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.K.M.Balaji, Advocate, S.R.No.3776

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RSY(CO)
SSM(21/01/2019)