

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3475 of 2019

P.Dinesh

... Petitioner

Vs.

State represented by
The Sub Inspector of Police,
Tittakudi Police Station,
Cuddalore District.
(Cr.No.155 of 2018)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the returned order dated.18.12.2018 unnumbered Crl.M.P.No. In Crime No.155 of 2018 passed by the District Munsif cum Judicial Magistrate, Tittakudi, Cuddalore District and consequentially to release the vehicle Tipper Lorry bearing Regn No.TN-69-AE-7813, engine No.PBE15674Z and Chassis NO.MBIG3DYC7BEPG1873 to the above petitioner/accused.

For Petitioner :Mr.T.I.Ramanathan

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 District Munsif cum Judicial Magistrate, Tittakudi, Cuddalore District, to entertain the petition filed by the petitioner for release of Tipper Lorry.

2. The Tipper Lorry belonging to the petitioner was seized by the respondent police in Crime No.155 of 2018 for an offence under Sections 379 and 430 IPC and under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. The petitioner filed a petition on 18.12.2018 seeking for return of the Tipper Lorry. 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 District Munsif cum Judicial Magistrate, Tittakudi, Cuddalore District 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

mpa/lpp

To

1.The District Munsif cum
Judicial Magistrate,
Tittakudi, Cuddalore District.

2.The Sub Inspector of Police,
Tittakudi Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.I.Ramanathan, Advocate, S.R.No. 12585

Crl.O.P.No.3475 of 2019

GN(15/02/2019)