

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7238 of 2019

Sakthivel

...Petitioner

-Vs-

State by

The Inspector of Police,
Uthangarai Police Station,
Uthangarai Taluk,
Krishnagiri District.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate, Uthangarai to entertain the petition for return of vehicle of petitioner in Crime No.583 of 2018 on the file of respondent and release his Tractor and trailer bearing registration number TM-23-CF-0662.

For Petitioner : Mr.K.Thiruvengadam

For Respondent : Mr.C.Raghavan

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed for a direction to the Judicial Magistrate, Uthangarai, to entertain the petition filed by the petitioner for release of Tractor and Trailer.

2. The Tractor and Trailer belonging to the petitioner was seized by the respondent police in Crime No.583 of 2018 for an offence under Sections 379 of IPC and under Section 21(1) and 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957. The petitioner filed a petition on 15.01.2019 seeking for return of the Tractor and Trailer. 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, Uthangarai and the said petition shall be entertained by the Court below and shall be decided and pass orders on merits and 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 .

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mpa/lpp
To

1.The Judicial Magistrate,
Uthangarai.

2.The Inspector of Police,
Uthangarai Police Station,
Uthangarai Taluk,
Krishnagiri District.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.K.Thiruvengadam, Advocate sr 25616.

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AD(CO)
SP(03/04/2019)

सत्यमेव जयते

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