

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.6107, 6108 & 6112 of 2019

1. Thirunavukarasu ... Petitioner in Crl.O.P.No.6107 of 2019
2. K.Veeraraghavan ... Petitioner in Crl.O.P.No.6108 of 2019
3. K. Boopathi ... Petitioner in Crl.O.P.No.6112 of 2019

Vs.

The State rep by
The Station House Officer,
Kurinjipadi Police Station,
Cuddalore District.

Cr.Nos.270 & 191 of 2018 ... Respondent in all
Crl.O.Ps

Common Prayer : Criminal Original Petitions filed under Section 482 Cr.P.C., to set aside the docket orders dated 09.02.2019 passed by the learned Judicial Magistrate No.III, Cuddalore and accept the surety memo on re-representation by the petitioners in pursuant to the order.

For Petitioners
in all Crl.O.Ps : Mr.G.Magesh Kumar
For Respondent
in both Crl.O.Ps : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

C O M M O N O R D E R

These petitions have been filed to set aside the docket order dated 09.02.2019 passed by the learned Judicial Magistrate No.III, Cuddalore and direct the learned Judicial Magistrate No.III, Cuddalore to accept the surety memo on re-representation by the petitioners in pursuant to the order.

2. The learned counsel for the petitioners submitted that the tipper lorries bearing registration No.TN 19 Q 2758 and TN 66 E 8037 and TN 21 AB 4882 have been seized by the respondent herein as early as on 04.09.2018 in Cr.No.270 of 2018 for offence under Sections 379, 430 IPC r/w. Section 21 (1) M & M (D & R) Act and the petitioners have approached the learned Jurisdictional Magistrate No.III, Cuddalore Court seeking

interim custody in 3535 of 2018, 3542 of 2018 and 3544 of 2018 respectively and came to be ordered on 23.01.2019 on certain conditions. It is further submitted by the learned counsel for the petitioners that when the petitioners have filed the Surety Memo to accept the sureties, the learned Judicial Magistrate No.III, Cuddalore has returned the same observing "In view of the order of the Hon'ble High Court passed in W.P. (MD). No. 22023 to 22026 of 2018 dated 11.01.2019 the owner of the vehicle can approach the Hon'ble High Court under Article 226 of the Constitution of India. Even petition u/s. 451 Cr.P.C allowed sureties cannot be accepted"

3. Heard both sides and perused the documents available on record.

4. Considering the facts and circumstances, the order passed by the learned Judicial Magistrate No.III, Cuddalore dated 09.02.2019 is set aside. The learned Judicial Magistrate No.III, Cuddalore is directed to consider the petition and accept the sureties to release the vehicles of the petitioners on the basis of the order passed by the Division Bench of this Court in W.P.(MD).Nos. 22023 to 22026 of 2018 etc., batch dated 29.10.2018. There is no impediment to accept the sureties and returning of vehicles. Therefore, the learned Judicial Magistrate No.III, Cuddalore is directed to accept the sureties as per the directions issued in CrI.MP. Nos. 3535 of 2018, 3542 of 2018 and 3544 of 2018 dated 23.01.2019.

With the above direction, these Criminal Original Petitions are allowed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

dh

To

1. The Judicial Magistrate No.III,
Cuddalore.

2. The Station House Officer,
Kurinjipadi Police Station,
Cuddalore District.

3. The Public Prosecutor,
High Court, Madras.

+3 CCS to Mr.G.Magesh Kumar, advocate sr 22690, 22691, 22692

Crl.O.P.Nos.6107, 6108 & 6112 of 2019

SP(13/03/2019)



WEB COPY