

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.Nos.6283 & 7317 of 2019

and

Crl.M.P.Nos.3489 & 4040 of 2019

K.Ganesh ... Petitioner in Crl.O.P.No.6283 of 2019

S.Santhosh Kumar ... Petitioner in Crl.O.P.No.7317 of 2019

Vs.

1. Govindhan @ Govindhasamy

2. State Rep. by

The Inspector of Police,
District Crime Branch,
Erode.

(Crime No.14 of 2017)

... Respondent in both
Crl.O.Ps

Prayer in both Crl.O.Ps: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Crime No.14 of 2017 pending on the file of the second respondent and quash the seizure notice dated 07.02.2019 issued to the petitioner.

For Petitioner in both Crl.O.Ps : Mr.V.Sivakumar

For R2 in both Crl.O.Ps : M/s.M.Prabhavathi
Additional Public Prosecutor

COMMON ORDER

These petitions have been filed challenging the seizure notice dated 07.02.2019 issued by the respondent police to the petitioners. The grievance expressed in both these petitions is that neither in the FIR nor in the seizure notice, there is complete description of the vehicle which is sought to be seized. It is seen from records, both in the FIR to which there

is an annexure and also in the seizure notice, there is a specific reference to the registration number of the vehicle. In the considered view of this Court no more particulars are required except the registration number.

2. The petitioners to whom the notice has been issued will have to necessarily produce the vehicle before the respondent police who will thereafter make it as a property which will be the subject matter of the criminal case and file an appropriate form before the concerned Magistrate. After the same is done, it will always be open to the petitioner to file a petition under Section 452 Cr.P.C., seeking for release of the vehicle, at which point of time the concerned Court will hear all the concerned parties and take a decision regarding the return of vehicle to the owner, on merits.

3. This Court does not find any ground to interfere with the seizure notice at this stage. It is for the petitioners to establish their ownership before the concerned Magistrate Court by filing an appropriate petition under Section 452 Cr.P.C., and workout their remedy in accordance with law.

These Criminal Original Petitions are disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
District Crime Branch,
Erode.

2.The Public Prosecutor,
High Court, Madras.

+2 cc to Mr.V.Sivakumar, Advocate Sr.No.30712&30713 (05.04.2019)

Cr1.O.P.Nos.6283 & 7317 of 2019

SS(CO)
CSL/02.04.2019