

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 6848 of 2019

Mani

... Petitioner

Vs.

State, rep., by
The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai District,
(Cr.No.57 of 2019)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to hand over the lorry vehicle in Crime No.57 of 2019 on the file of the respondent.

For Petitioner :Mr.R.Balakrishnan

For Respondent :Mr.C.Raghavan
Government Advocate [Crl. Side]

O R D E R

This Criminal Original Petition has been filed for a direction to the Judicial Magistrate-I, Thiruvannamalai, to entertain the petition filed by the petitioner for release of SRI R.M.S.-TN-23-AB-0927 TATA Lorry.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Crl. Side] for the respondent.

3. Whereas, it is seen from the copy application filed by the petitioner seeking certified copy of the seizure mahazar and Form No.95 and the same was returned with an endorsement "documents not filed" by the learned Judicial Magistrate-I, Thiruvannamalai by an order dated 20.02.2019. This application was not entertained by the Court below and therefore, the present Criminal Original Petition has been filed before this Court.

4. The learned Government Advocate [Crl. Side] submitted that the said lorry bearing Registration No.TN-23-AB-0927 was involved in Crime No.57 of 2019 and the same was produced before the learned Judicial Magistrate-I, Thiruvannamalai for taking further proceedings.

5. It is also seen that the said lorry bearing Registration No.TN-23-AB-0927 belonging to the petitioner was seized by the respondent police have registered in Crime No.57 of 2019 for the alleged offence under sections 379 and 430 IPC and under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957.

6. 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.

7. 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-I, Thiruvannamalai 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 a copy of this order.

Sd/-

Assistant Registrar(Insp.cell)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Judicial Magistrate No.I, Thiruvannamalai.

2. The Inspector of Police,
Thiruvannamalai Town Police Station, Thiruvannamalai District.

3. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.r.Balakrishnan, Advocate, Sr.No. 27819

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PA(CO)

CSL/02.05.2019