

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.7311,7313,7314 & 7316 of 2019

...Petitioners /

Owner of the Property in

D.Selvam

...Crl.O.P.No.7311/2019

N.Manikandan

...Crl.O.P.No.7313/2019

Prakash

...Crl.O.P.No.7314/2019

S.Boobalan

...Crl.O.P.No.7316/2019

Vs.

State rep. by

The Inspector of Police,

Kalambur Police Station,

Tiruvannamalai District.

...Respondent / Complainant

(in all Crl.O.Ps.)

Crl.O.P.No.7311 of 2019: Criminal Original Petition has been filed seeking to set aside the returned petition dated 26.02.2019 on the file of the Judicial Magistrate, Arni and to direct the respondent police to release the petitioner's lorry bearing (Goods open body) bearing Registration No.TN-25-X-1989 seized in Crime No.275 of 2018 by the respondent police.

Crl.O.P.No.7313 of 2019: Criminal Original Petition has been filed seeking to set aside the returned petition dated 26.02.2019 on the file of the Judicial Magistrate, Arni and to direct the respondent police to release the petitioner's vehicle TATA 207 Mini lorry bearing registration No.TN-48-V-4785 seized by the respondent police in Crime No.637 of 2018.

Crl.O.P.No.7314 of 2019: Criminal Original Petition has been filed seeking to set aside the returned petition dated 26.02.2019 on the file of the Judicial Magistrate, Arni and to direct the respondent police to release the petitioner's tractor bearing registration No.TN-25-W-9307 with trailer seized by the respondent police in Crime No.831 of 2018.

Crl.O.P.No.7316 of 2019: Criminal Original Petition has been filed seeking to set aside the returned petition dated 26.02.2019 on the file of the Judicial Magistrate, Arni and to direct the respondent police to release the petitioner's tractor bearing registration No.TN-25-Az-9491 and connection with

trailer bearing registration No.TN-25-AX-7958 seized by the respondent police in Crime No.684 of 2018.

For Petitioner : Mr.S.L.Venkatesan
(in all Crl.O.Ps.)
For Respondent : Mr.C.Raghavan
(in all Crl.O.Ps.) Government Advocate(Crl.side)

O R D E R

These Criminal Original Petitions have been filed seeking to set aside the returned petition dated 26.02.2019, on the file of the learned Judicial Magistrate, Arni and to direct the respondent police to release the petitioner's vehicles seized in Crime Nos.275, 637,831 and 684 of 2018, by the respondent police.

2.The petitioner being the owner of the vehicles seized by the respondent police in aforesaid crime numbers had filed a petition before the learned Judicial Magistrate, Arni to return the vehicles seized by the respondent Police. The learned Judicial Magistrate, Arni, by an order dated 26.02.2019 had returned the petitions as not maintainable. Hence, the petitioner has filed the present petitions with the aforesaid prayer.

3.Heard both sides and perused the materials placed on record.

4.Considering the facts and circumstances of the case, the order passed by the learned Judicial Magistrate, Arni, on 26.02.2019 is set aside and the Criminal Original Petitions are allowed. However, the petitioner is directed to file fresh petitions before the learned Judicial Magistrate, Arni, for release of the vehicles and on receipt of such applications, the learned Judicial Magistrate is directed to take up the petitions on file and pass orders on merits and in accordance with law within a period of two weeks from the date of receipt of copy of the application in view of the specific order passed by the Division Bench of this Court in W.P.No.3640 of 2019 dated 12.02.2019, while clarifying the earlier judgment dated 11.01.2019.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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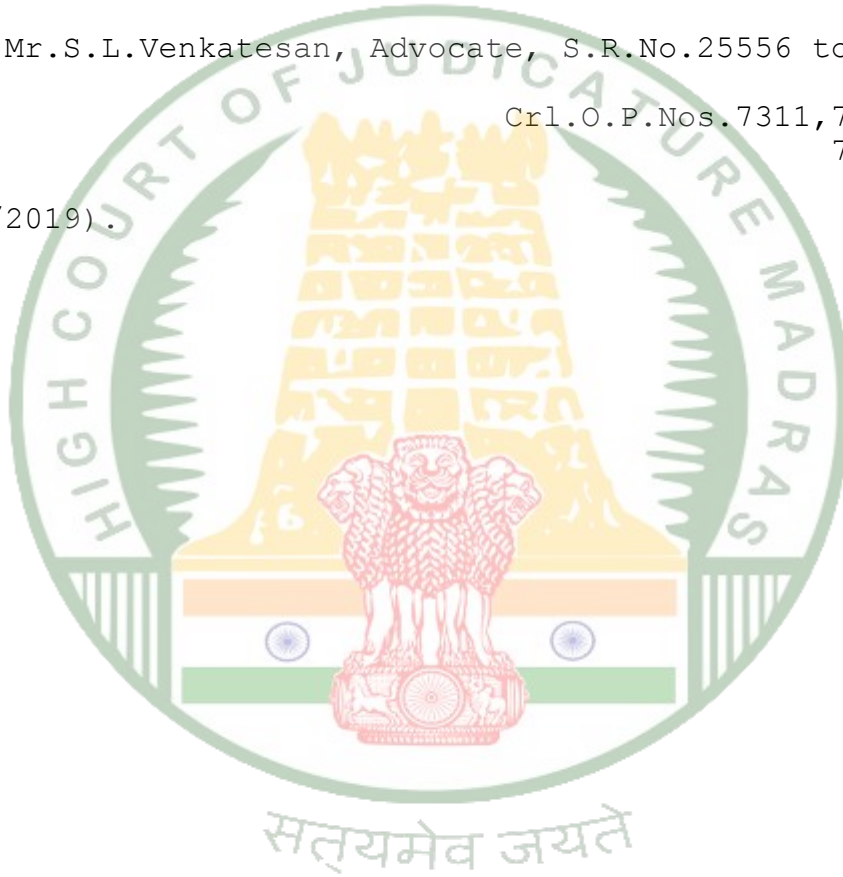
To

- 1) The Inspector of Police,
Kalambur Police Station,
Tiruvannamalai District.
- 2) The Judicial Magistrate,
Arni.
- 3) The Public Prosecutor,
High Court, Madras-104.

+4 ccs to Mr.S.L.Venkatesan, Advocate, S.R.No.25556 to 25559

Crl.O.P.Nos.7311,7313,7314 &
7316 of 2019

VBA (CO)
SSM(22/04/2019).



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