

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7667 of 2019

S.Deivakumar

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Veppur Police Station,
Cuddalore District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate-I, Virudhachalam, Cuddalore District to entertain my petition for return of vehicle in Crl.M.P.Sr.No.704 of 2019 dated 02.03.2019 and subsequently direct the lower court to order release of the vehicle namely Bullock Cart with Tyre wheels.

For Petitioner :Ms.C.Kousalya Devi

For Respondent :Mr.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed for a direction to the Judicial Magistrate-I, Virudhachalam, Cuddalore District to entertain the petition filed by the petitioner for release of his bullock cart fitted with tyre wheels.

2. The bullock cart fitted with tyre wheels belonging to the petitioner was seized by the respondent police in Crime No.43 of 2019 for an offence under Sections 379 and 430 IPC and under Section 21(i) of the Mines and Minerals (Development and Regulation) Act, 1957 on 18.02.2019. The petitioner filed a petition on 02.03.2019 before

the learned Judicial Magistrate-I, Virudhachalam in Crl.M.P.Sr.No.704 of 2019, seeking for return of the bullock cart, which 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. However, the same order was subsequently clarified by an order dated 27.12.2018 made in ***M.Chakravarthi Vs.The Assistant Director, Department of Geology and Mining, Thiruvallur*** and others in W.P.No.34672 of 2018 etc.

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 learned Judicial Magistrate-I, Virudhachalam 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 copy of this order.

WEB COPY

25.03.2019

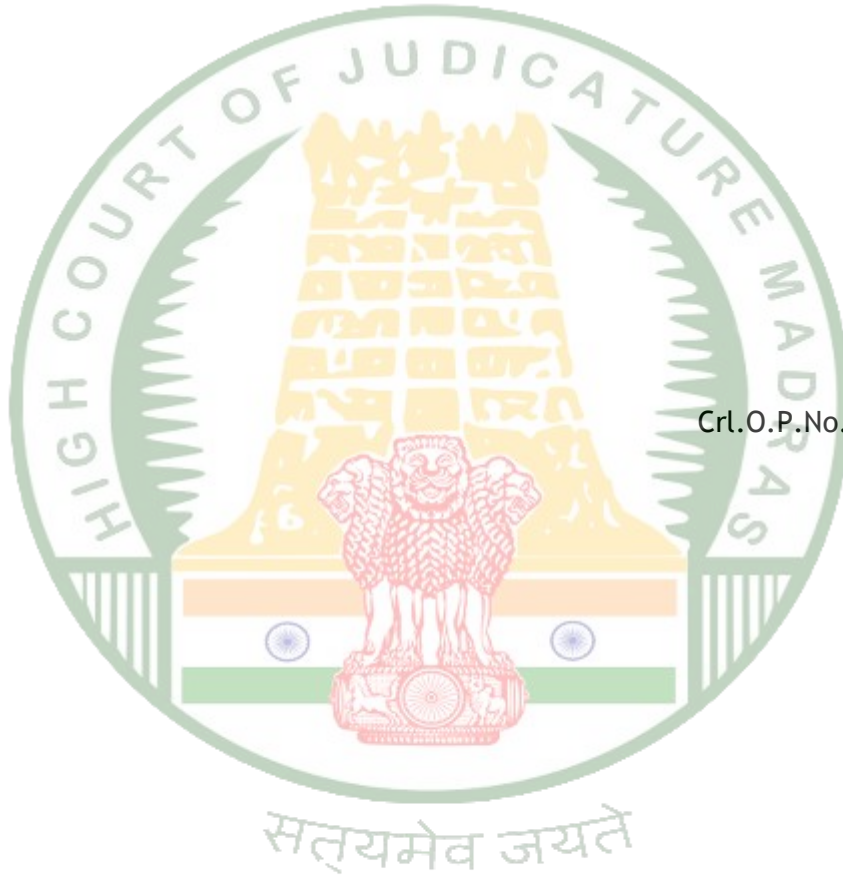
Internet:Yes
Index:Yes/No
Speaking/Non speaking order
rm

To

- 1.The Judicial Magistrate-I,
Virudhachalam.
- 2.The Inspector of Police,
Veppur Police Station,
Cuddalore District.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.7667 of 2019

25.03.2019

WEB COPY