

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.03.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.No.8448 of 2019

M.Selvaraj

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
Sirupakkam 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.S.R.No.700 of 2019 dated 02.03.2019 and subsequently direct the lower Court to order release of the unregistered vehicle namely SWARAJ 744 TXPS Tractor bearing Engine No.43.3009/SYP 4096 and Chassis No. WZCA45922988992 fitted with Trailer (Tipper).

For Petitioner : Mrs.C.Kousalya Devi

For Respondent : Mr.C.Raghavan,
Government Advocate (Crl. Side)

O R D E R

The present Criminal Original Petition has been filed to direct the Learned Judicial Magistrate - I, Virudhachalam, Cuddalore District to entertain my petition for return of vehicle in Crl.M.P.S.R.No.700 of 2019 dated 02.03.2019 and subsequently direct the lower Court to order release of the unregistered vehicle namely SWARAJ 744 TXPS Tractor bearing Engine No.43.3009/SYP 4096 and Chassis No. WZCA45922988992 fitted with Trailer (Tipper).

2.The SWARAJ 744 TXPS Tractor bearing Engine No.43.3009/SYP 4096 and Chassis No. WZCA45922988992 fitted with Trailer (Tipper) 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(1) of the Mines and Minerals (Development and Regulation) Act, 1957. The petitioner filed a petition on 05.01.2019 seeking for return of the Vehicle. This petition 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.

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 Judicial Magistrate No.I, Virudhachalam, Cuddalore District 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.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rna

To

1.The Judicial Magistrate No.I,
Virudhachalam,
Cuddalore District.

2.The Inspector of Police,
Sirupakkam Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

mr(co)
nr 08/05/2019

CrI.O.P.No.8448 of 2019

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