

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7431 of 2019

Vengatesan ... Petitioner /Owner of the Vehicle

Vs.

1.State rep by
The Inspector of Police,
Kariveppilankurichi Police Station,
Cuddalore District.
(Crime No.255 of 2018) ...Respondent/Complainant

2.Antony ... Respondent/Accused

Prayer : Criminal Original Petitions filed under Section 482 Cr.P.C., to set aside the dockettal order dated 01.03.2019 in Crl.M.P.SR No.779 of 2019 in unnumbered Crl.M.P.No. of 2019 passed by the Judicial Magistrate No.II at Vridhachalam, Cuddalore District and consequently directing the Judicial Magistrate No.II at Virudhachalam, Cuddalore District to take the petition on file and to release the vehicle bearing registration number TN 31 AQ 1471 in Crime No.255 of 2018 on the file of the respondent police.

For Petitioner : Mr.G.Pugazhenth

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

O R D E R

This Criminal Original Petition has been filed for a direction to the learned Judicial Magistrate No.II at Vridhachalam, Cuddalore District to entertain the petition filed by the petitioner for release of Tractor.

2. The Tractor belonging to the petitioner was seized by the respondent police in Crime No.255 of 2018 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 01.03.2019 seeking for return of the Tractor. 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 learned Judicial Magistrate No.II at Vridhachalam, 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rri/msm
To

1. The learned Judicial Magistrate No.II,
Vridhachalam, Cuddalore.
2. The Inspector of Police,
Kariveppilankurichi Police Station,
Cuddalore District.
(Crime No.255 of 2018)
3. The Government Advocate (Crl. Side)
High Court, Madras.

+1 CC to Mr.G.Pugazhenthir, Advocate sr 29624.

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SP(07/05/2019)

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