

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7675 of 2019

Vaithiyalingam ... Petitioner

Vs.

State represented by
The Inspector of Police,
O.T.Police Station,
Cuddalore Town.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police to release the vehicle bearing Registration No.TN-12-C-6881 to the petitioner which was seized by the respondent on 05.11.2018.

For Petitioner :Mr.K.M.Subheramaniam

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-II, Cuddalore, to entertain the petition filed by the petitioner for release of Two Wheeler [Bajaj Discover] bearing Registration No.TN-12-C-6881.

2. The Two Wheeler [Bajaj Discover] bearing Registration No.TN-12-C-6881, belongs to the petitioner was seized by the respondent police in Crime No.3009415 of 2018 for an offence under Sections 451 and 457 IPC and under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. The petitioner filed a petition on 11.01.2019 seeking for return of the Two Wheeler [Bajaj Discover] bearing Registration No.TN-12-C-6881. 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-II, Cuddalore, 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(CO)

//True Copy//

Sub Assistant Registrar

msm

To

1.The Inspector of Police,
O.T.Police Station,
Cuddalore Town.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.K.M.Subheramaniam, Advocate, Sr.No. 28094

PMS (CO)
CSL/26.04.2019

Cr1.O.P.No.7675 of 2019

सत्यमेव जयते

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