

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.7549 of 2019

P.Arumugam

...Petitioner

-Vs-

State, rep. by its Inspector of Police,
Veppur Police Station,
Cuddalore District.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the docket order dated 03.10.2018 and direct the learned Judicial Magistrate No.1 (FAC), Virudhachalam and Cuddalore District to take on file the return of property petition within a reasonable time.

For Petitioner : Mr.P.Rajavel.

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed challenging the docket order dated 03.10.2018 passed by the learned Judicial Magistrate No.1 (FAC), Virudhachalam and Cuddalore District.

2.The petitioner has filed an application under Section 451 and 454 of Cr.P.C. seeking interim custody of property, which was seized for the offence under Section 379, 430 of IPC, r/w 21(1) of Mines and Minerals (Development Regulation) Act, 1957 before the learned Judicial Magistrate

No.1, (FAC), Virudhachalam and Cuddalore. The learned Magistrate has returned the petition for the reason that the Division Bench of Madurai Bench of Madras High Court in W.P.No.7595 of 2018 has passed an order stating that no courts in the State shall entertain any request from the owners of the vehicle involved in the illegal sand mining. But, the said order was subsequently clarified by an order dated 27.12.2018 in the case of ***M.Chakravarthi Vs.The Assistant Director, Department of Geology and Mining, Thiruvallur and others in W.P.No.34672 of 2018 etc.***, in which this Court directed the learned Magistrate to consider the request to release the vehicle and pass appropriate orders in accordance with law.

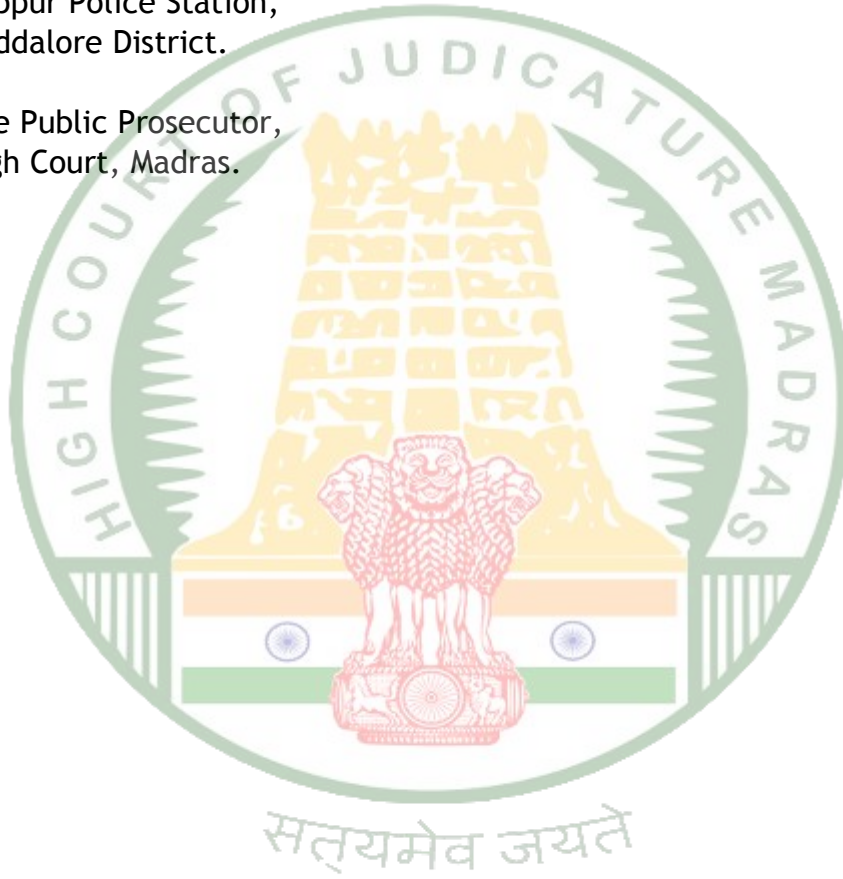
3.In view of the above, this Criminal Original Petition is disposed of by giving liberty to the petitioner to re-present the petition for release of vehicle before the learned Judicial Magistrate No.1(FAC), Virudhachalam, Cuddalore. On such re-presentation, the learned Magistrate is directed to take up the petition on file and consider the same in accordance with law in view of the orders passed by the Division Bench of this Court cited supra, within a period of two weeks from the date of receipt of copy of the order.

21.03.2019

Internet: Yes
Index : Yes/No
rm

To

1. The Judicial Magistrate No.1, (FAC),
Virudhachalam and Cuddalore.
2. Inspector of Police,
Veppur Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY

G.K.ILANTHIRAIYAN,J.,

rm



Crl.O.P.No.7549 of 2019

WEB COPY

21.03.2019