

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.03.2019
CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.7364, 7366, 7368 to 7370 of 2019

1. Javakar ... Petitioner in Crl.O.P.No.7364 of 2019
2. Saravanan ... Petitioner in Crl.O.P.No.7366 of 2019
3. Poovannan ... Petitioner in Crl.O.P.No.7368 of 2019
4. Senthilkumar ... Petitioner in Crl.O.P.No.7369 of 2019
5. Nithyanandam ... Petitioner in Crl.O.P.No.7370 of 2019

Vs.

The Inspector of Police,
Kurinchipadi Police Station,
Cuddalore District.
Crime No.270 of 2018

... Respondent in all Crl.O.Ps

Common Prayer : Criminal Original Petitions filed under Section 482 Cr.P.C., to set aside the docket orders dated 07.02.2019 passed by the learned Judicial Magistrate No.III, Cuddalore and direct the learned Judicial Magistrate No.III, Cuddalore to accept the surety memo on re-representation by the petitioners in pursuant to the order Dated 23/08/2018 in Crl.Mp.Nos. 3536/2018, 3537/2018 3538/18, 3539/18 & 3540/2018.

For Petitioners
in all Crl.O.Ps : Mr.C.Ram Kumar

For Respondent
in both Crl.O.Ps : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

COMMON ORDER

These petitions have been filed to set aside the docket order dated 07.02.2019 passed by the learned Judicial Magistrate No.III, Cuddalore and direct the learned Judicial Magistrate No.III, Cuddalore to accept the surety memo on re-representation by the petitioners in pursuant to the order.

2. The learned counsel for the petitioners submitted that the tipper lorries bearing registration No.TN 20 BZ 7909 and TN

21 AM 1599 and TN 19 P 1899 and TN 52 J 4485, TN 22 AV 7900, TN 20 AS 9297, TN 20 AS 9406 and TN 20 BJ 9320, TN 01 AS 9104, TN 19 A 6307, TN 66 A 7101, TN 66 A 7160 and TN 18 L 2695 have been seized by the respondent herein as early as on 05.09.2018 in Cr.Nos.269, 270, 271 of 2018 for offence under Sections 379, 430 IPC r/w. Section 21 (1) M & M (D & R) Act and the petitioners have approached the learned Jurisdictional Magistrate No.III, Cuddalore Court seeking interim custody in Crl.M.P.Nos. 3536 of 2018, 3537 of 2018, 3538 of 2018, 3539 of 2018 and 3540 of 2018 respectively and came to be ordered on 23.01.2019 on certain conditions. It is further submitted by the learned counsel for the petitioners that when the petitioners have filed the Surety Memo to accept the sureties, the learned Judicial Magistrate No.III, Cuddalore has returned the same observing "In view of the order of the Hon'ble High Court passed in W.P. (MD). No. 22023 to 22026 of 2018 dated 11.01.2019 the owner of the vehicle can approach the Hon'ble High Court under Article 226 of the Constitution of India. Even petition u/s. 451 Cr.P.C allowed sureties cannot be accepted"

3. Heard both sides and perused the documents available on record.

4. Considering the facts and circumstances, the order passed by the learned Judicial Magistrate No.III, Cuddalore dated 09.02.2019 is set aside. The learned Judicial Magistrate No.III, Cuddalore is directed to consider the petition and accept the sureties to release the vehicles of the petitioners on the basis of the order passed by the Division Bench of this Court in W.P.(MD).Nos. 22023 to 22026 of 2018 etc., batch dated 29.10.2018. There is no impediment to accept the sureties and returning of vehicles. Therefore, the learned Judicial Magistrate No.III, Cuddalore is directed to accept the sureties as per the directions issued in Crl.MP. Nos. 3536 of 2018, 3537 of 2018, 3538 of 2018, 3539 of 2018 and 3540 of 2018 dated 23.01.2019.

With the above direction, these Criminal Original Petitions are allowed.

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Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.III,
Cuddalore.

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

3. The Public Prosecutor,
High Court, Madras.

+5cc to Mr. C.Ramkumar, Advocate, S.R.No. 26499 to 26503

CrI.O.P.Nos.7364, 7366, 7368 to 7370 of 2019

SSI (CO)
GN(28/03/2019)



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