

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8136 of 2019

P.Arumugam

... Petitioner /petitioner

Vs.

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

... Respondent/Respondent

Prayer : Criminal Original Petitions filed under Section 482 Cr.P.C., to set aside the docketal order dated 04.10.2018 and direct the learned Judicial Magistrate No.I, (FAC), Virudhachalam, Cuddalore District to take on file the return of property petition within a reasonable time to be fixed by this Hon'ble Court.

For Petitioner : Mr.P.Rajavel

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 learned Judicial Magistrate No.I, (FAC) at Virudhachalam, Cuddalore District to entertain the petition filed by the petitioner for release of vehicle.

2. The Tipper lorry belonging to the petitioner was seized by the respondent police in Crime No.278 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 27.09.2018 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 learned Judicial Magistrate No.I (FAC) at 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(J)

//True Copy//

Sub Assistant Registrar

To

1. The learned Judicial Magistrate No.I, (FAC)
Virudhachalam, Cuddalore District.
2. The Inspector of Police,
Veppur Police Station,
Cuddalore District.
3. The Government Advocate (Crl. Side)
High Court, Madras.

+1cc to Mr.P.Rajavel, Advocate Sr.29327

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vba[co]
srg 7/5/2019

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