

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8306 of 2019

Pandurangan

... Petitioner

Vs.

State rep. by
Inspector of Police,
Pennadam Police Station
Cuddalore District
(Crime No.242/2018)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the District Munsif cum Judicial Magistrate Tittagudi to take the case on file and dispose the same within stipulated time in Crl.M.P.No.(Unnumbered) of 2019 in respect of Crime No.242 of 2018 dated 13.11.2018 and grant such other relief as deem fit to this Court under the circumstances case.

For Petitioner : Mr.P.Ganapathy

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

O R D E R

This Criminal Original Petition has been filed seeking to direct the respondent Police to return the seized vehicle, viz., Tractor bearing registration No.TN 31 AZ 2633 and Tractor bearing No.TN 51 BZ 0244.

2.The Tractor and Tractor belonging to the petitioner was seized by the respondent police in Crime No.242 of 2018 for an offence under Sections 379 and 430 IPC and under Section 21(i) of the Mines and Minerals (Development and Regulation) Act, 1957 on 13.11.2018. The petitioner filed a petition on 13.11.2018 before the learned District Munsiff cum Judicial Magistrate, Tittagudi in Crl.M.P.No.(Unnumbered) of 2018, seeking for return of the Tractor and Tractor, which 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. However, the same order was subsequently clarified by an order dated 27.12.2018 made in M.Chakravarthi Vs.The Assistant Director, Department of Geology and Mining, Thiruvallur and others in W.P.No.34672 of 2018 etc.

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 District Munsiff cum Judicial Magistrate, Tittagudi 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(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.Inspector of Police,
Pennadam Police Station
Cuddalore District
(Crime No.242/2018)

2.The Public Prosecutor
High Court of Madras.

3.The District Munsif cum Judicial Magistrate,
Tittagudi.

4. - do - through The Principal District Munsif,
Cuddalore.

+1 cc to Mr.P.Ganapathy, Advocate, S.R.No.29531

CrI.O.P.No.8306 of 2019

NRL(CO)
SSM(30/04/2019) .