

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7904 of 2019

Arikandan

... Petitioner /Accused

Vs.

State,  
represented by  
The Sub-Inspector of Police,  
Viruthachalam Police Station,  
Cuddalore District,  
[Crime No.696 of 2018]. ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to issue direction to return the vehicles which were seized in respect of Crime No.696 of 2018, dated 05.12.2018 on the file of Inspector of Police, Viruthachalam Police Station, Cuddalore District.

For Petitioner :Mr.P.Ganapathy

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-I, Virudhachalam, to entertain the petition filed by the petitioner for release of Lorry bearing Registration No.TN-43-Z-5945.

2. The Lorry bearing Registration No.TN-43-Z-5945, belongs to the petitioner was seized by the respondent police in Crime No.696 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 29.01.2019 seeking for return of the Lorry. 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-I, Virudhachalam 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-)I

//True Copy//

Sub Assistant Registrar

msm

To

1.The Judicial Magistrate,  
Virudhachalam.

2. The Sub-Inspector of Police,  
Viruthachalam Police Station,  
Cuddalore District,  
[Crime No.696 of 2018].

3.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.P.Ganapathy, Advocate, S.R.No.27837

Cr1.O.P.No.7904 of 2019

KJ(CO)  
GN(11/04/2019)