

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.8334 of 2019

Kalaiaarasi

... Petitioner/Accused

Vs

State represented by the Inspector of Police,
Thakkolam Police Station,
Vellore District.
(Crime No.117 of 2018)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate, Arakonam, to entertain the return of vehicle petition in connection with Crime No.117 of 2018 pending on the file of the respondent and release the petitioner's vehicle bearing Registration No.TN 20 AF 9055 Tipper Lorry.

For Petitioner : Mr.G.Anabayachozhan

For Respondent : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the Judicial Magistrate, Arakonam, to entertain the petition filed by the petitioner for release of Tipper Lorry.

2. The Tipper Lorry belonging to the petitioner bearing registration No.TN 20 AF 9055 was seized by the respondent police in Crime No.117 of 2018 for the offence under Sections 430 and 379 of IPC. The petitioner filed a petition on 27.07.2019 seeking for return of the Tipper 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, Arakonam and the said petition shall be entertained by the Court below and shall be decided and pass orders on merits and 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(AD IV)

//True Copy//

Sub Assistant Registrar

mpa/vsn

To

1 The Inspector of Police,
Thakkolam Police Station,
Vellore District.

2.The Public Prosecutor,
High Court of Madras.

3.The Judicial Magistrate,
Arakonam.

+1cc to Mr.G.Anabaya Chozhan, Advocate Sr.30393

सत्यमेव जयते

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vba[co]
srg 23/05/2019

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