

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.8755 of 2019

V.Vidhyapriya

... Petitioner

Vs.

State by,

The Sub Inspector of Police,
Uthiyur Police Station, Uthiyur,
Kangayam Taluk,
Tiruppur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, directing the learned Judicial Magistrate, Kangayam, Tiruppur District to return the Tipper Lorry Registration No.TN-38-AT-5013 to the petitioner by complying with this Court order passed in W.P.No.2093 of 2019, dated 20.02.2019 without insisting the original receipt for deposit of Rs.50,000/- and the original R.C.Book.

For Petitioner : Mr.C.Prakasam

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, Kangayam, Tiruppur District to return the Tipper Lorry Registration No.TN-38-AT-5013 to the petitioner by complying with this Court order passed in W.P.No.2093 of 2019, dated 20.02.2019 without insisting the original receipt for deposit of Rs.50,000/- and the original R.C.Book.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the Tipper Lorry bearing Registration No.TN-38-AT-5013. The respondent Police seized the said Tipper Lorry for illegally transported the sand and handed over the same before the Sub Collector, Dharapuram, Tiruppur District. He further submitted that the petitioner approached this Court and filed a Writ Petition in W.P.No.2093 of 2019 to release the said vehicle. This Court by an order dated 20.02.2019 directed the Sub Collector, Dharapuram to release the said vehicle and imposed certain conditions.

3.After receipt of the order passed by this Court in W.P.No.2093 of 2019, the petitioner had complied the conditions imposed by this Court. After that, the Sub Collector, Dharapuram passed an order in his proceedings Na.Ka.62/2019/Aa, dated 07.03.2019, whereby released the petitioner's vehicle and directed the respondent herein to hand over the same to the petitioner. But, the respondent Police did not incline to released the vehicle and directed the her to approach the learned Judicial Magistrate, Kangayam.

4.Accordingly, the petitioner also approached the learned Judicial Magistrate, Kangayam and filed a Memo for Return of Property and prayed for release of the vehicle, but the learned Magistrate insisting the petitioner to produce the original receipt of Rs.50,000/- paid by the petitioner before the Sub Collector, Dharapuram.

5.Considering the facts and circumstances of this case, the learned Judicial Magistrate, Kangayam, Tiruppur is directed to consider the request of the petitioner to return the lorry and on perusal of the order passed by the Sub Collector, Dharapuram dated 07.03.2019, without insisting the original receipt for deposit of Rs.50,000/- (Rupees fifty thousand only) and on perusal of the xerox copy of the R.C. Book attested by the financier.

6.With the above said direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CCC)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Kangayam, Tiruppur.

2.The Sub Inspector of Police,
Uthiyur Police Station, Uthiyur,
Kangayam Taluk,
Tiruppur District.

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3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate SR.No.36841

CRL.O.P.No.8755 of 2019

MP (CO)
GMY (15/04/2019)



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