

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12145 of 2019

T.Rajakumaran

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Kammapuram Police Station,
Cuddalore District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the order passed by the Learned Judicial Magistrate-II, Virudhachalam, Cuddalore District in Crl.M.P. S.R No.8239 of 2019 dated 03.10.2018 and direct the learned Judicial Magistrate-II, Virudhachalam, Cuddalore District to entertain the petitioner's petition for return of vehicle in Crl.M.P. S.R.No.8239 of 2019 dated 03.10.2018 and subsequently direct the lower court to order release of the vehicle namely Green Colour Bullock Cart fitted with Tyre Wheels.

For Petitioner : Ms.Kousalya Devi C.

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

O R D E R

This Criminal Original Petition has been filed for a direction to the learned Judicial Magistrate-II, Virudhachalam, Cuddalore District, to entertain the petition filed by the petitioner for release of Green Colour Bullock Cart.

2. On 26.09.2018 the Green Colour Bullock Cart fitted with tyre wheels belonging to the petitioner was seized by the respondent police in Crime No.200 of 2018 for an offence under Section 21(i) of the Mines and Minerals (Development and Regulation) Act, 1957. The petitioner filed a petition before the learned Judicial Magistrate-II, Virudhachalam in Crl.M.P.Sr.No.8239 of 2018 seeking for return of the Green Colour Bullock Cart. 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-II, Virudhachalam, Cuddalore District 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(CCC)

//True Copy//

Sub Assistant Registrar

mpa

To

1. The Judicial Magistrate-II,
Virudhachalam, Cuddalore District.
2. The Inspector of Police,
Kammapuram Police Station,
Cuddalore District.
3. The Public Prosecutor
High Court, Madras.

+1 cc to Ms.C.Kousalya Devi, Advocate, S.R.No.42592

KJ(CO)
SSM(28/05/2019).

CrI.O.P.No.12145 of 2019