

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.15321 of 2019

M.Balamurugan

... Petitioner

Vs.

1.The State Represented by,
Additional Superintendent of Police,
Prohibition Enforcement Wing,
Nagapattinam.

2.The Inspector of Police,
Palaiyur Police Station,
Nagapattinam District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to direct the respondents immediately release and give custody of the petitioner's car bearing registration No.PY-02N-8296, Maruthi Swift Dizire to him based on the order passed in Crl.M.P.No.819 of 2019 in C.C.No.85 of 2019 by the Judicial Magistrate No.II, Myladuthurai, dated 21.03.2019, within a stipulated period.

For Petitioner : M/s.M.R.Franklin

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed seeking for a direction to the respondent police to handover the vehicle belonging to the petitioner, which was taken into custody in Crime No.30 of 2019.

2. When this case came up for hearing on 24.06.2019, this Court passed the following order:

"Pursuant to the order passed by this Court on 18.06.2019, respondents 1 and 2 are present before this Court. This Court enquired respondents 1 and 2 as to why the vehicle was not returned back to the petitioner in spite of the order passed by the learned Judicial Magistrate II, Mayiladuthurai on 21.03.2019.

2.Respondents 1 and 2 submitted that the vehicle has been confiscated and therefore, it was not returned back to the petitioner and the confiscation proceedings are pending.

3. This Court is not convinced with the answer given by respondents 1 and 2. As on date, there is an order passed by the learned Judicial Magistrate II, Mayiladuthurai directing the return of vehicle to the petitioner. This order has to be necessarily complied with. If the respondent Police have any grievance against that order, they should workout their remedy in accordance with law and they do not have the right to retain the vehicle.

4. The petitioner is directed to be present before the second respondent 25.06.2019 and the second respondent is directed to return back the vehicle immediately. It is reported that the order passed by the learned Magistrate, has been challenged by the respondent Police. The return of vehicle will be subjected to the result of the appeal filed by the respondent police against the order of the learned Magistrate.

Post this matter for reporting compliance on 28.06.2019."

WEB COPY

N. ANAND VENKATESH, J
ub

3. The learned counsel for the petitioner submitted that pursuant to the order passed by this Court, the vehicle has been handed over to the petitioner.

4. In view of the above development, no further orders can be passed in this Criminal Original Petition. Accordingly, the same is closed.

28.06.2019

Index :Yes/No
Internet:Yes/No
ub

To

1.TheAdditional Superintendent of Police,
Prohibition Enforcement Wing,
Nagapattinam.

2.The Inspector of Police,
Palaiyur Police Station,
Nagapattinam District.

3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.15321 of 2019



WEB COPY