



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH
W.P.No.18762 of 2019

S.Laxman

...Petitioner

.Vs.

The State Rep.by.,
The Inspector of Police,
Mecheri Police Station,
Salem District.

..Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent to release the lorry bearing registration No.KA 05 AC 5899.

For Petitioner : Mr.R.Kannan

For Respondent : Mr.M.Mohamed Riyaz, APP

ORDER

This Writ Petition has been filed seeking for a direction to the respondent Police to release the Lorry belonging to the petitioner.

2.It is seen from records that the petitioner is the owner of the lorry. This lorry was leased to third parties. The lorry was intercepted by the respondent Police and it was found that the lorry was carrying Tobacco Products, and therefore an FIR came to be registered in Cr.No.389 of 2018 on 28.09.2018. The respondent Police seized the lorry and also all the Tobacco Products that were carried in the lorry.

3.The learned counsel for the petitioner submitted that even though the lorry was seized by the respondent Police, the same was not produced before the concerned Magistrate Court and the vehicle was also not returned back to the petitioner, who is the owner of the lorry. Left with no other option, the present Writ Petition has been filed before this Court.

4.The learned Additional Public Prosecutor on instructions submitted that the lorry has not been handed over to the concerned jurisdictional Magistrate Court.



5. Taking into consideration the facts and circumstances of the case, the petitioner is directed to file a petition under Section 457 of Cr.P.C., before the learned Judicial Magistrate-II, Mettur, for release of lorry. Even, if the lorry has not been produced before the Court, the learned Judicial Magistrate is vested with sufficient powers under Section 457 of Cr.P.C., to order for the release of the lorry. Immediately on filing of the petition, the learned Judicial Magistrate No.II, Mettur, shall pass an order directing the respondent Police to release the lorry to the petitioner by imposing necessary conditions. This process shall be completed within a period of two weeks from the date of filing of the petition for release of lorry.

This Writ Petition is disposed of with the above direction. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1. The Inspector of Police,
Mecheri Police Station,
Salem District.
2. The Judicial Magistrate No.II,
Mettur.
3. DO Thro The Chief Judicial Magistrate,
Mettur.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Kannan, Advocate, S.R.No. 58431

W.P.No.18762 of 2019

VP(CO)
GN(31/07/2019)