

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.Nos.17248, 17252 and 17255 of 2019

1. C.Somasundram .. Petitioner in Crl.O.P.No.17248 of 2019
2. V.Venu @ Venugopal .. Petitioner in Crl.O.P.No.17252 of 2019
3. S.Muniyappa .. Petitioner in Crl.O.P.No.17255 of 2019

Vs.

1. The State,
Rep by Inspector of Police,
Kelamangalam Police Station
Kelamangalam. .. Respondent in
Crl.O.P.No.17248 of 2019
2. The State,
Rep by Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District. .. Respondent in
Crl.O.P.No.17252 of 2019
3. The State,
Rep by Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District. .. Respondent in
Crl.O.P.No.17255 of 2019

Prayer in Crl.O.P.No.17248 of 2019: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent police to return the Vehicle-Tractor with Trailer Reg No.TN 29 AV 4629 and the Engine Number NAB02555 and Chassis No.NAB02555 to the petitioner.

Prayer in Crl.O.P.No.17252 of 2019: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent police to return the Vehicle-Tractor with Trailer Reg No.KA 36 T 4319 and the Engine Number EDS 5667 and Chassis No.EDS 5667 to the petitioner.

Prayer in CrI.O.P.No.17255 of 2019: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent police to return the Vehicle-Tractor with Trailer Reg No.TN 70 W 1391 and the Engine Number NHK3MAB0019 and Chassis No.MBNAALXAHNK00372 to the petitioner.

For Petitioners : Mrs.D.Geetha
in all petitions

For Respondent : Mr.M.Mohamed Riyaz
in all petitions Additional Public Prosecutor

O R D E R

These Criminal Original Petitions have been filed for a direction to the respondent police to return the vehicles seized from the petitioners.

2. The petitioners have approached the Court below by filing a petition seeking for return of vehicles. The said petitions were returned on the ground that the property was not produced before that Court.

3. The Court below failed to take note of the provisions under Section 457 of Cr.P.C, where the Court is entitled to entertain petitions seeking for return of vehicle, even where the vehicle is not produced before the Court. Section 457 of Cr.P.C specifically provides for such a power to deal with the situation where the property is seized by the police but not produced before the Court.

4. In view of the above, the Court below is directed to entertain the petitions filed by the petitioners and proceed further in accordance with Section 457 of Cr.P.C. and pass necessary orders in accordance with law.

5. This Criminal Original Petitions are disposed of accordingly. The Registry is directed to return the original affidavit and petition to the learned counsel for the petitioners after retaining a copy of the same, in order to enable the petitioners to re-present the same before the Court below.

Sd/-
Joint Registrar (Judicial)

//True Copy//

Sub Assistant Registrar

msrm

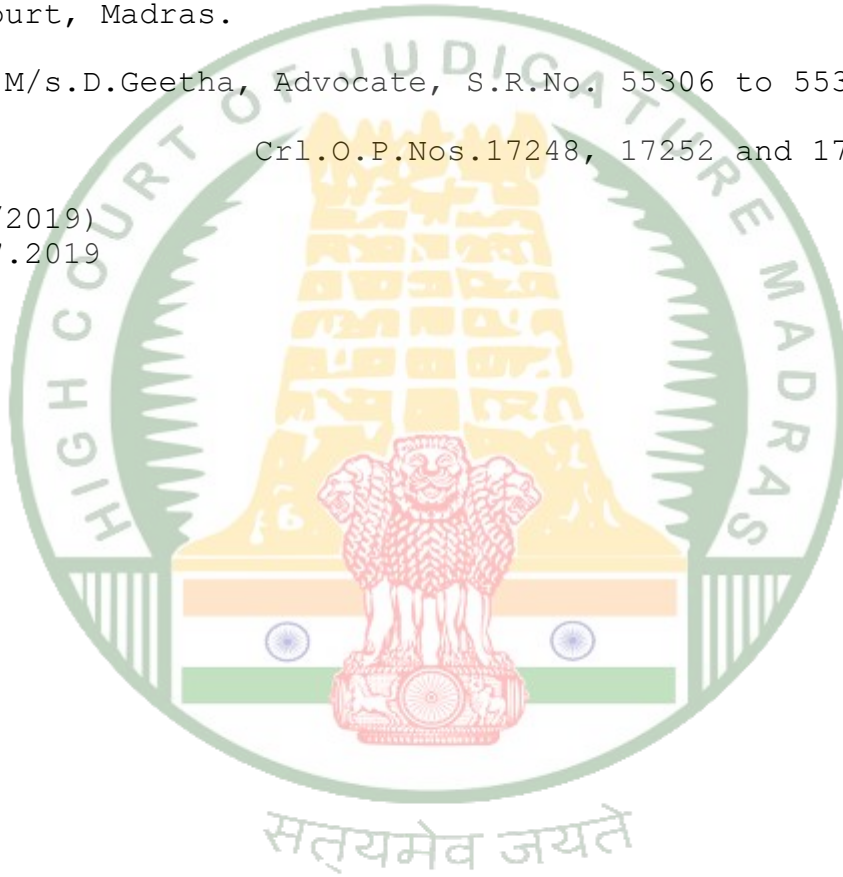
To

1. The Inspector of Police,
Kelamangalam Police Station
Kelamangalam.
2. The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

+3 ccs to M/s.D.Geetha, Advocate, S.R.No. 55306 to 55308

CrI.O.P.Nos.17248, 17252 and 17255 of 2019

MG(CO)
SSM(05/07/2019)
A.SK 11.07.2019



WEB COPY