

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.17467 of 2019

K.Vikram

.. Petitioner / Defacto Complainant

Vs.

The State Rep. by the Inspector of Police,
Hudco Police Station,
Krishnagiri District. .. Respondent / Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the respondent police to produce the petitioner's White Color Bolero ZLX car bearing Chassis No.MAIXK2WKJXJ6M39728 and Engine No.WJJ6M96397 before the Judicial Magistrate No.II, Hosur, Krishnagiri District as case property in connection with the Crime No.59/2019 pending on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking for a direction to the respondent police to produce the Car belonging to the petitioner before the Court below and which was seized by the respondent police pursuant to the FIR registered in Crime No.59 of 2019.

2.The learned counsel for the petitioner submitted that the petitioner is the de-facto complainant who gave a complaint before the respondent police on the ground that his Car has been stolen. The respondent police registered an F.I.R. in Crime No.59 of 2019. The learned counsel further submitted that the petitioner came to know that the Car has been taken away by one of the known person and the respondent police went to the place and seized the Car and brought it back to the Police Station. The petitioner thereafter approached the respondent police to get back the Car. However the Car was not returned nor was it produced before the Magistrate Court. Therefore the present petition has been filed before this Court seeking for appropriate direction.

3.Heard the learned Additional Public Prosecutor appearing on behalf of the respondent police.

4.Taking into consideration the facts and circumstances of the case, this Criminal Original Petition is disposed of by granting liberty to the petitioner to move an application under Section 457 of Cr.P.C. before the Judicial Magistrate No.II, Hosur, seeking for return of vehicle. The Magistrate Court is empowered to deal with the said petition even in case the vehicle is not produced before the Court and appropriate orders can be passed by the Magistrate in the petition filed by the petitioner. The Judicial Magistrate No.II, Hosur is directed to deal with the petition and pass final orders within a period of 10 days from the date on which the petitioner files the petition seeking for return of vehicle.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

vs

To

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

+1 cc to Mr.E.Kannadasan, Advocate, S.R.No.56587

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MR(CO)
SSM(05/07/2019)
SSM(15/07/2019)

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