

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.17587 of 2019

N.Elangovan

... Petitioner

Vs.

State rep.by
the Inspector of Police
Erode Taluk Police Station,
Erode District

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to return the ALTO K10.TN-38-BR-9706 car to the petitioner.

For Petitioner : M/s.J.Franklin

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

ORDER

This petition has been filed aggrieved by the order passed by the Court below returning the petition filed by the petitioner seeking for return of vehicle.

2. The Court below has returned the petition on the ground that the property has not been received by the Court.

3. In the considered view of this Court, the Court below ought not to have returned the petition and the petition should have been entertained under Section 457 Cr.PC, since the Court below is entitled to deal with a petition, even in cases where the property which has been seized by the police, has not been handed over to the Court. When such power is vested with the Magistrate Court, the Court below went wrong in returning the petition.

4. This Criminal Original Petition is disposed of, by directing the Court below to entertain the petition filed by the petitioner and deal with the same under Section 457 Cr.PC, even if the property has not reached the Court and pass appropriate orders in accordance with law. The final order shall be passed within a period of three weeks from the date of receipt of copy of this order.

05.07.2019

Index :Yes/No
Internet:Yes/No
rka

Note: Issue Order Copy on 08.07.2019

WEB COPY

N. ANAND VENKATESH,J
rka

To

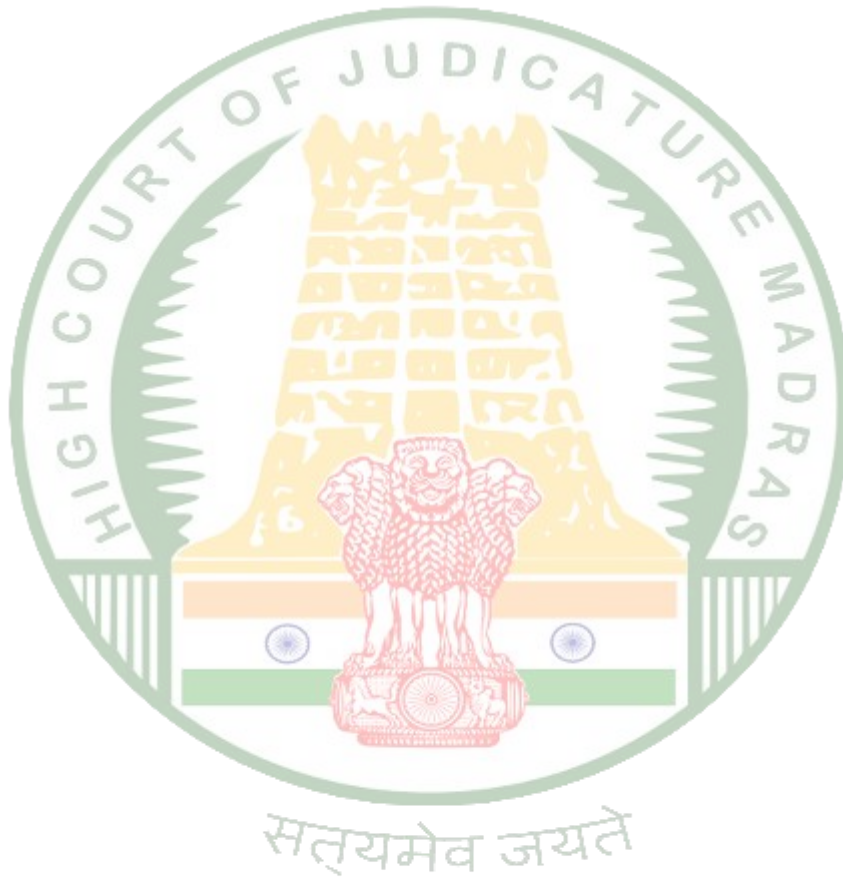
1. State rep.by
the Inspector of Police
Erode Taluk Police Station,
Erode District
- 2.The Public Prosecutor,
High Court, Madras.



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