

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.19952 of 2019

Thangaraj

...Petitioner

.Vs.

The State rep. By
Inspector of Police
R.K Pet Police Station
Thiruvallur District.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the District Munsif cum Judicial Magistrate, Pallipet, Thiruvallur District to consider the petition under Section 451 and 457 of Cr.P.C in accordance with law.

For Petitioner : Mr. G.P.Sivakumar

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

ORDER

This petition has been filed seeking for a direction to the Court below to entertain the petition filed under Sections 451 and 457 of Cr.P.C for return of vehicle. The vehicle belonging to the petitioner has been seized by the respondent police in the course of investigation in Crime No.621 of 2018. The petitioner, who claims to be the owner of the vehicle has filed a petition before the Court below under Sections 451 and 457 of Cr.P.C seeking for return of vehicle. This petition has been returned on the ground that since the offence is exclusively triable by the Court of Sessions, the petition can be filed only before the Court of Sessions.

2. In the considered view of this Court, the reason given by the Court below for returning the petition is unsustainable. The Court below has the jurisdiction to deal with the petition filed under Sections 451 and 457 of Cr.P.C. The case will reach the Sessions Court only after committal.

3. This Criminal Original Petition is disposed of with a

direction to the District Munsif-cum-Judicial Magistrate, Pallipattu to entertain the petition seeking for return of vehicle and deal with the same in accordance with law. The Registry is directed to return the original petition filed before this Court after retaining a copy, to enable the petitioner to represent the petition before the Court below.
uma

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The District Munsif cum Judicial Magistrate,
Pallipet,
Thiruvallur District .
2. The Inspector of Police
R.K Pet Police Station
Thiruvallur District
3. The Public Prosecutor
High Court of Madras.

Copy to:-

The Section Officer,
Criminal Section,
High Court, Madras - 104.

+1cc to Mr.G.P.Sivakumar, Advocate, SR.No.64409

CRL.OP.No.19952 of 2019

Kak(30/07/2019)