

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.OP No.29877 of 2019

K.Mohammed Niyas

... Petitioner/Accused

Vs.

State Represented by

The Inspector of Police,  
Prohibition and Enforcement Wing,  
St. Thomas Mount,  
Chennai - 600 016.

... Respondent/Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the docket order dated 18.09.2019 Crl.M.P.Sr.No.7087 of 2019 passed by the Judicial Magistrate, Tambaram, and consequently direct him to direct the Inspector of Police, Prohibition and Enforcement Wing, St. Thomas Mount, Chennai - 600 016 to release petitioner vehicle Omni Bus Ashok Leyland named Fareena Travels bearing registration No.TN-49-AP-0839 detained by him in connection with Crime No.680 of 2019 pending on the file of the Inspector of Police, Prohibition and Enforcement Wing, St. Thomas Mount, Chennai - 600 016.

For Petitioner : Mr.Rajkumar Paul

For Respondent : Mr.C.Iyyapparaj  
Additional Public Prosecutor

ORDER

This petition has been filed to set aside the docket order dated 18.09.2019 Crl.M.P.Sr.No.7087 of 2019 passed by the Judicial Magistrate, Tambaram and consequently direct him to direct the Inspector of Police, Prohibition and Enforcement Wing, St. Thomas Mount, Chennai - 600 016 to release petitioner vehicle Omni Bus Ashok Leyland named Fareena Travels bearing registration No.TN-49-AP-0839 detained by him in connection with Crime No.680 of 2019 pending on the file of the Inspector of Police, Prohibition and Enforcement Wing, St. Thomas Mount, Chennai - 600 016.

2.The issue as to whether the vehicle can be returned to the petitioner or not could be decided on the merits of the application filed by the petitioner and that the Registry of the learned Judicial Magistrate, Tambaram is not justified in retuning the petitioner's application raising query "as to how the application is maintainable". No reason has been assigned by the Registry.

3.The Registry of the learned Judicial Magistrate, Tambaram is called upon to take the petitioner's application and pass appropriate orders as expeditiously as possible.

4.Accordingly, this criminal original petition is closed.

Sd/-  
Assistant Registrar

// True Copy //

Sub Assistant Registrar

ssr

To

1. The Judicial Magistrate,  
Tambaram.
2. The Inspector of Police,  
Prohibition and Enforcement Wing,  
St. Thomas Mount,  
Chennai - 600 016.
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.K.Nivesh Kumar, Advocate, SR.No.99011.

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Cr1.OP No.29877 of 2019  
25.11.2019

MR (CO)  
CSR(31/12/2019)