

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 09.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

Crl.R.C.No.1438 of 2018

T.Narasiyappan

...Petitioner

--Vs--

State rep.by its
Inspector of Police,
Vadalur Police Station,
Cuddalore District.
(Cr.No.273/2018)

....Respondent

This Criminal Revision Petition is filed under Sections 397 and 401 of Cr.P.C. praying to call for the records and set aside the order dated 29.11.2018 passed by the learned Judicial Magistrate, No.III Cuddalore in Crl.M.P.S.R.No.4280 of 2018 and to return the Tipper Lorry bearing registration No.TN 20 AB 3333 to the custody of the petitioner.

For Petitioner : Mr.G.Punniakoti

For Respondent : Mr.G.Harihara Arun Soma Sankar
Government Advocate (Crl.Side)

O R D E R

The present revision case has been filed against the order dated 29.11.2018 passed by the learned Judicial Magistrate No.III, Cuddalore in Crl.M.P.S.R.No.4280 of 2018, dismissing the petition filed under Section 451 of Cr.P.C., for return of the Tipper Lorry.

2 The learned Judicial Magistrate has disallowed the petition on the basis of the decision of the Hon'ble Division Bench of this Court in W.P.No.20020 of 2017. Though the order was passed by the learned Magistrate on 29.11.2018, the Hon'ble Division Bench of this Court, subsequently, by its order dated 29.10.2018, has modified the earlier direction and ordered release of the vehicle on certain conditions. Unfortunately, this was not referred to by the learned Magistrate.

3. In view of the above, the present revision case is dismissed with liberty to the petitioner to approach the learned Judicial Magistrate No.III, Cuddalore, with a fresh petition indicating the subsequent modified order passed by the Hon'ble Division Bench of this Court in W.P.Nos.22023 to 22026 of 2018 batch and the learned Magistrate is directed to dispose of the same on merits and in accordance with law on the basis of the subsequent modified order passed by the Hon'ble Division Bench of this Court. The learned Magistrate is directed to pass appropriate orders as indicated above, as expeditiously as possible.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Vadalur Police Station,
Cuddalore District.
2. The Judicial Magistrate No.III,
Cuddalore.
3. The Public Prosecutor,
High Court, Madras 104.

+1cc to M/S.G.Punniyakotti, Advocate Sr.2833

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srg 11/02/2019