

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 07.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Crl.R.C.No.1446 of 2018

R.Kuppan

...Petitioner

--Vs--

State Rep by its
The Sub-Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

...Respondent

This Criminal Revision Petition is filed under Sections 397 & 401 of Cr.P.C. praying to call for the records in order dated 26.11.2018 made in Crl.M.P.No.1192 of 2018 on the file of Learned Judicial Magistrate, Uthangarai and set aside the same.

For Petitioner : Mr.I.Siddiq

For Respondent : Mr.G.Harihara Arun Soma Sankar
Government Advocate.

O R D E R

This Criminal Revision Case has been filed against the order dated 26.11.2018, passed by the learned Judicial Magistrate, Uthangarai, in Crl.M.P.No.1192 of 2018, rejecting the application filed by the petitioner herein under Section 457 of Cr.P.C., seeking return of vehicle, which was involved in the offence under Sections 379 of IPC and Section 21(1)(iv)M&M Act.

2.According to the learned Magistrate, the Division Bench of this Court in WP(MD).No.19936 of 2017, 7595 and 21485 of 2018 in Muthu vs. The District Collector, Pudukottai District, Pudukottai and others case dated 29.10.2018, in which it was stated that "Any application for release of vehicle etc., can only be filed before the Special Court alone". The Division Bench of this Court had passed the order on 29.10.2018 and on the basis of which the petition filed by the petitioner has been rejected.

3.However, on the day when the learned Judicial

Magistrate had passed the order dated 26.11.2018, the Division Bench of this Court has modified its own order and subsequently passed directions on 29.10.2018 in W.P.No.22023 to 22026 of 2018 batch directing the return of vehicle by imposing certain conditions.

4.Unfortunately, the modified order has not been brought to the notice to the learned Judicial Magistrate, Uthangarai. In any event, pursuant to the final order in the above said writ petition, the petitioner herein should be given liberty to file a fresh petition.

5.In view of the same, the Criminal Revision Petition stands dismissed with liberty to the petitioner to approach the learned Judicial Magistrate concerned and appraise about the modified order dated 29.10.2018 passed in W.P.Nos.22023 to 22026 of 2018 batch by the Division Bench of this Court, and seek appropriate remedy. The learned Judicial Magistrate shall consider the petition on merits and in accordance with law and pass suitable orders on such petition being filed by the petitioner herein.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate, Uthangarai.

2. The Sub Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.

3. The Public Prosecutor,
High Court, Madras - 104.

+1cc to M/s.Dass & Viswa Associates, Advocate, S.R.No.1666

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RSI (CO)
CS/18/01/2019