

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated 07.01.2019****CORAM:****THE HONOURABLE MR. JUSTICE V.PARTHIBAN****Crl.R.C.No.1519 of 2018**

Perinbaraj

...Petitioner

--Vs--

The State rep by
The Inspector of Police,
Chengalpattu Taluk Police Station,
Kancheepuram District.
(Cr.No.14/2018)

...Respondent

This Criminal Revision Petition filed under Section 397 & 401 of Cr.P.C. praying to call for the records relating to the order dated 08.11.2018 passed by the learned Judicial Magistrate No.II, Chengalpattu in C.M.P.No.4154/2018 and set aside the same.

For Petitioner : Mr.G.Magesh Kumar

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

ORDER

This Criminal Revision Case has been filed against the order dated 08.11.2018, passed by the learned Judicial Magistrate No.II, Chengalpattu, in C.M.P.No.4154 of 2018, rejecting the petition filed by the petitioner herein under Sections 451 and 457 of Cr.P.C., seeking return of vehicle, which was involved in the offence under Sections 430 and 379 of IPC.

2 According to the learned Magistrate, the Division Bench of this Court ***in WP(MD).No.7595 of 2018 (Mahalingam Vs. The secretary of Govt. Public Works Department, Secretariat, Chennai and others), dated 24.09.2018*** has made an interim order that no Courts shall entertain any request for return of vehicle, which was involved in illegal sand mining. The Division Bench of this Court had passed the order on 24.09.2018 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 08.11.2018, the Division Bench of this Court has modified its own order and subsequently passed directions on 29.10.2018 in W.P.(MD).Nos.22023 to 22026 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 No.II, Chengalpattu. 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 by the Division Bench of this Court, in the aforesaid writ petition 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.

07.01.2019

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Index : Yes/No

Internet : Yes/No

Note: Issue order copy on 10.01.2019

To

1. The Judicial Magistrate No.II, Chengalpattu
2. The Additional Public Prosecutor, High Court of Madras.
3. The Inspector of Police, Chengalpattu Taluk Police Station, Kancheepuram District.

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V.PARTHIBAN, J.,

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