

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 02.01.2019  
CORAM:  
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH  
Crl.O.P.No.30425 of 2018

P.Anbalagan

...Petitioner

Vs.

State by  
The Inspector of Police,  
Dharmapuri Town Police Station,  
Dharmapuri District.  
(Crime No. 753 of 2018)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the the learned Judicial Magistrate-I, Dharmapuri to entertain the petition for return of the petitioner's vehicle in Crl.M.P. SR NO. 7621 of 2018 in Crime No.753 of 2018 on the file of the respondent police and release the vehicle.

For Petitioner : Mr.J.Bharathiraja

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

O R D E R

This petition has been filed seeking for a direction to the Court below to entertain the petition filed by the petitioner for return of vehicle, which has been seized by the respondent police for an offence under section 21(i) of Mines & Minerals (Development & Regulation) Act, in Crime No.753 of 2018.

2 The learned counsel for the petitioner would submit that when a petition was filed before the Court below seeking for return of vehicle, the same was returned by the Court below with an endorsement that the earlier petition has been dismissed on the ground that the petition can be filed only before the Special Court, based on the direction given by this Court in a writ petition.

3 The learned counsel for the petitioner would submit that this Court has subsequently passed an order in W.P(MD). No.19936 of 2017 etc., dated 29.10.2018, wherein this Court has given various directions to the Magistrate Court while dealing with the petitions filed for return of vehicle seized for the offence under the Mines & Minerals Act. The learned counsel also brought to the notice of this Court, the earlier order

passed by this Court in CrI.O.P.No.26802 of 2018, dated 03.12.2018 under similar circumstances.

4 This Criminal Original Petition is disposed of, with a direction to the learned Judicial Magistrate No.I, Dharmapuri to entertain the petition filed by the petitioner for return of the vehicle and consider and pass orders in accordance with the guidelines given by this Court in W.P.(MD).No.19936 of 2017 dated 29.10.2018. This exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mpa/rpl

To

1.The Judicial Magistrate No.I,  
Dharmapuri.

2.The Inspector of Police,  
Dharmapuri Town Police Station,  
Dharmapuri District.

3.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.J.Bharathiraja, Advocate sr.no.555

CrI.O.P.No.30425 of 2018

svn(co)  
nr 03/01/2019

सत्यमेव जयते

WEB COPY