

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.30428 of 2018

Gangadurai

...Petitioner

Vs.

State by

The Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
(Crime No. 1338 of 2018)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the respondent to return the vehicle of the petitioner TATA 407 tipper lorry bearing registration No. TN 25 BJ 3255.

For Petitioner : Mr.S.Silambu Selvan

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.1338 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 Crl.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.II, Thiruvannamalai 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.

mpa/rpl

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Thiruvannamalai.
2. - Do - Thro: The Chief Judicial Magistrate,
Thiruvannamalai.
3. The Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Silambu Selvam, Advocate, S.R.No.162/19

SVN(CO)
KAK(03/01/2019)

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