



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

Crl.O.P.[MD].No.4467 of 2019

WEB COPY

Ashok Metha

: Petitioner / Petitioner / Petitioner

/Vs./

State represented by

The Sub Inspector of Police,

Fort Police Station,

Trichy District.

: Respondent / Respondent / Complainant

[Crime No.290 of 2018]

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order of the learned III Additional District Judge, Tiruchirappalli in Crl.R.C.No.29 of 2018 dated 27.09.2018 confirming the order passed by the learned Judicial Magistrate No.I, Tiruchirappalli in Cr.M.P.No.2390 of 2018, dated 18.05.2018.

For Petitioner : Mr.S.Vinayak

For Respondent : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order of the learned III Additional District Judge, Tiruchirappalli in Crl.R.C.No.29 of 2018 dated 27.09.2018 confirming the order passed by the learned Judicial Magistrate No.I, Tiruchirappalli in Cr.M.P.No.2390 of 2018, dated 18.05.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

3. What is in challenge in this case is that the order of the learned III Additional District Judge, Tiruchirappalli passed in Crl.R.C.No.29 of 2018 dated 27.09.2018, whereunder he had refused to entertain a prayer for return of vehicle taken in custody by the investigating officers that was alleged to be involved in illicit sand quarrying.

4. The learned III Additional District Judge, Tiruchirappalli, has relied on an order of the Hon'ble Division Bench of this Court in W.P.(MD)No.7595 of 2018 dated 24.09.2018. In the subsequent Clarificatory order W.P.(MD)No.7595 of 2018 dated 11.01.2019, the Division Bench of this Court has clarified that till Special Courts are constituted, for return of vehicles to be sought the same can be obtained by approaching this Court through writ petitions.



Therefore, the petitioner is required to file writ petition for the above said purpose as instructed by the Order of the Division Bench of this Court dated 11.01.2019 in W.P.(MD)No.7595 of 2018. Accordingly, this criminal original petition is disposed of.

WEB COPY

5. Registry is directed to return the original copy of the order passed by the learned III Additional District Judge, Tiruchirappalli in CrI.R.C.No.29 of 2018 dated 27.09.2018.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The III Additional District Judge, Tiruchirappalli.

2.The Judicial Magistrate No.I,
Tiruchirappalli.

3.The Sub Inspector of Police,
Fort Police Station, Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to: The Section Officer,
E.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1cc to Mr.S.Vinayak, Advocate, SR.No. 56646

CrI.O.P.[MD].No.4467 of 2019

26.03.2019

SM

KK/SAR-/29.03.2019/2P-8C

=