



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Cr1.O.P.[MD]No.5967 of 2019

T.Nithin

: Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2.The Inspector of Police,
Colachel Police Station,
Colachel,
Kanyakumari District.

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent police to produce the case property involved in Crime No.59 of 2019 on the file of the second respondent police in respect of the petitioner's Mini Bus bearing registration No.TN 74-Y 4063 before the learned Judicial Magistrate, Eraniel, Kanyakumari District.

For Petitioner : Mr.A.C.Asaithampi

For Respondents : Mr.V.Neelakandan,
Additional Public Prosecutor.

ORDER

The present petition is filed seeking a direction to the second respondent police to produce the Mini Bus bearing No.TN 74-Y 4063.

2. The learned counsel for the petitioner submitted that his paternal grandfather owned two mini buses, that he was gifted by the same under the settlement deed by his grandfather, that when he attempted to transfer registration in his name his paternal uncle objected to the same, that he subsequently moved this Court in W.P.(MD)No.21095 of 1998 to have registration of the buses transferred in his name, that the writ petition came to be ordered on 10.12.2018, that thereafter the concerned Regional Transport Officer has transferred the registration in petitioner's name on 05.03.2019, that thereafter his paternal uncle Jesudasan has forcibly removed the above referred two buses. The petitioner thereafter preferred a complaint and the case came to be registered in Crime No.59 of 2019. He submitted that till date the buses have not been taken possession by the Investigating Agency and produced



in the Court.

3. The learned Additional Public Prosecutor submitted that the investigation of the case is underway.

4. As on date the Registration Certificate of the bus stands in the name of the petitioner and if at all Mr. Jesudasan is aggrieved, his remedy necessarily has to be one before the Civil Court. So far as the investigation in the present criminal case is concerned, it is necessary that the stolen article has to be seized and produced before the Court and it is for the concerned Magistrate to decide before the Court to whom he needs to give the custody. The Investigating Officer is reminded of what he has to do in the matter.

5. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

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To

1. The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2. The Inspector of Police,
Colachel Police Station,
Colachel,
Kanyakumari District.

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

+1CC TO MR.A.C.ASAITHAMBI, Advocate Sr. No. 62410

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BP (CO)

TR (28.05.2019) 2P 5C