



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.13226 of 2019

WEB COPY

Kalimuthu

... Petitioner

-Vs-

The Inspector of Police
Annanagar Police Station,
Madurai City
(Crime No.1672 of 2016)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to grant interim custody of the auto rickshaw bearing its registration No. TN 58- AH-5695 seized in connection with a case in S.C.No.30/17 on the file of III Additional District and Sessions Court (PCR), Madurai within the period that may be stipulated by this Court.

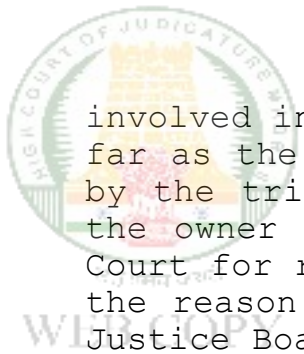
For Petitioner	: Mr.K.S.Durai Pandian
For Respondent	: Mr.K.Suyambulinga Bharathi Government Advocate(crl.side)

O R D E R

This Criminal Original Petition has been filed to grant interim custody of the auto rickshaw bearing Registration No. TN-58-AH- 5695 seized in connection with a case in S.C.No.30 of 2017 on the file of the learned III Additional District and Sessions Judge, (PCR Court), Madurai.

2.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) for the respondent police.

3.The learned counsel for the petitioner would submit that the respondent registered a case as against the petitioner and others in Crime No.1672 of 2016. After completion of investigation, the respondent filed a final report charging the petitioner and other for the offences under Sections 147, 148, 149, 302 I.P.C r/w Section 3(2) (5A) of SC & ST Act, 1989 and the same has been taken cognizance by the learned III Additional District and Sessions Judge, (PCR Court), Madurai, in S.C.No.30 of 2017. There are totally eight accused, in which, one of them juvenile, after conducting trial, the case has been ended in acquittal by the judgment, dated 21.03.2018. Insofar as the juvenile is concerned, the case has been referred to the Juvenile Justice Board for trial. Now, it is pending, as against the said accused, before the Juvenile Justice Board. In the meanwhile, the property viz., Autorickshaw



involved in this crime has been seized from the seventh accused. As far as the seventh accused is concerned, now, he has been acquitted by the trial Court. As far as the petitioner is concerned, he is the owner of the vehicle and he filed a petition before the trial Court for return of property. The said application was returned for the reason that the Material Object has been sent to the Juvenile Justice Board insofar as the minor accused. The property is an Auto rickshaw, which has been seized in the year 2016 and now as far as the other accused persons are concerned ended in acquittal.

4.Considering the facts and circumstances of the case, the petitioner is directed to approach the Juvenile Justice Board and file an application for return of vehicle. On receipt of such application, the Juvenile Justice Board is directed to consider the same and pass orders on merits and in accordance with law.

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

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The III Additional District and Sessions Court (PCR),
Madurai
2. The Inspector of Police
Annanagar Police Station,
Madurai City
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.K.S.DURAIPANDIAN, Advocate (SR-89209[F] dated 25/09/2019)

Crl.O.P.(MD)No.13226 of 2019
23.09.2019

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