

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No.1763 of 2020

Duraiyan,
S/o. Krishnan,
Door No.135, Vaaikkalmettupudur,
Velampalayam,
Kangayam Taluk,
Tirupur District.

... Petitioner

vs.

1. State : The Inspector of Police,
Vellakovil Police Station,
Vellakovil Taluk,
Tirupur District.

2. State: The Tahsildar,
Kangayam Taluk,
Tirupur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the doctketal order dated 17.12.2019 passed in Unnumbered C.M.P. Filed in Crime No.75 of 2019 by the learned Principal District and Sessions Judge, Tirupur.

For Petitioner : Mr. K.S.Kaviarasu
For Respondent : Mr. S.Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed to set aside the docketed order dated 17.12.2019 passed in Unnumbered C.M.P. filed in Crime No.75 of 2019 by the learned Principal District and Sessions Judge, Tirupur.

2. On perusal of the records, it is seen that the petitioner's vehicle was seized by the second respondent which is involved in Cr. No.75 of 2019 registered for offence under Section 379 IPC under Mines and Minerals Act. Pending FIR, the petitioner had filed a petition before the Judicial Magistrate, Kangayam, for return of his Vehicle and the same was closed

since the offence involved is under the Mines and Minerals Act. Again the petitioner filed a petition under Section 457 Cr.P.C., before the Principal District and Sessions Judge, Tirupur, for return of his vehicle and the same was returned as "How this petition is maintainable?". Hence this petition.

3. Considering the facts and circumstance of this case, the petitioner is directed to file the petition for return of his vehicle under correct provision of law before the Court concerned and if it is in order, the Court concerned is directed to take the petition on file and pass orders on merits and in accordance with law.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Vellakovil Police Station,
Vellakovil Taluk,
Tirupur District.
2. The Tahsildar,
Kangayam Taluk,
Tirupur District.
3. The Public Prosecutor,
High Court of Madras.

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RSI (CO)
RV(30/9/2020)

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