

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Cr1.O.P.No. 3670 of 2020

Murugesan

...Petitioner

-Vs-

The State Rep. by
The Inspector of Police,
Thiruvallam Police Station,
Vellore District.
Crime No.57 of 2017

.... Respondent

Prayer:

Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the Principal District and Sessions Judge, Vellore to number the petition filed by the petitioner under section 451 of Cr.P.C in C.F.R.No.9676 of 2019 dated 16.10.2019.

For Petitioner : Mr.N.Chinnaraj
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

* * * * *

ORDER

This Criminal Original Petition has been filed to direct the Principal District and Sessions Judge, Vellore to number the petition filed by the petitioner under section 451 of Cr.P.C in C.F.R.No.9676 of 2019 dated 16.10.2019 and dispose of the same in accordance with law.

2. The learned counsel for the petitioner has submitted that the respondent has registered a case against the petitioner in Crime No.57 of 2017 for the alleged offences under sections 379 and 430 IPC. He further submitted that the respondent has

seized the petitioner's tractor bearing Registration No.TN-23-Q-7911 and trailer bearing Registration No. TN-23-Q-7912. and produced before the Principal District and Sessions Judge, Vellore and the said Court has received the said vehicles and remanded in C.P.No.394/2018 on 14.11.2018 and hence the petitioner has filed a petition under section 451 of Crpc seeking interim custody. The learned Principal District and Sessions Judge, Vellore has simply returned the said petition on 17.10.2019 stating that the how the petition is maintainable. Therefore, he prayed to direct the Principal District and Sessions Judge Vellore to entertain the said petition and dispose of the same in accordance with law.

3. The learned Additional Public Prosecutor has fairly conceded that the petitioner's tractor and trailer were seized by the respondent relating to the case in Crime No.57 of 2017 under sections 379 and 430 of IPC and produced before the Principal District and Sessions Judge, Vellore and the same was received by the said court and remanded in C.P.No.394 of 2018 dated 14.11.2018 and therefore he requests to pass suitable orders.

4. A perusal of the copy of the petition filed by the petitioner before the Principal District and Sessions Judge, Vellore, C.F.R.No.9676 of 2019 shows that the petitioner has filed the said petition on 16.10.2019 and the learned Principal District and Sessions Judge, Vellore has returned the said petition on 17.10.2019 with the following endorsement:

" How this petition is maintainable to be clarified"

5. A perusal of the aforesaid endorsement shows that the learned Principal District and Sessions Judge, Vellore has not stated any reason for returning the said petition. She simply raised a query as to how the said petition is maintainable. If she entertains any doubt about the maintainability, she should have mentioned the said doubt. The only the petitioner can clarify the same. Hence the petitioner is directed to represent the said petition within a week from the date of receipt of copy of this said order and on such representation, the learned Principal District and Sessions Judge, Vellore has to entertain the said petition and dispose of the same in accordance with law.

6. With the aforesaid directions, this Criminal Original Petition is disposed of.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

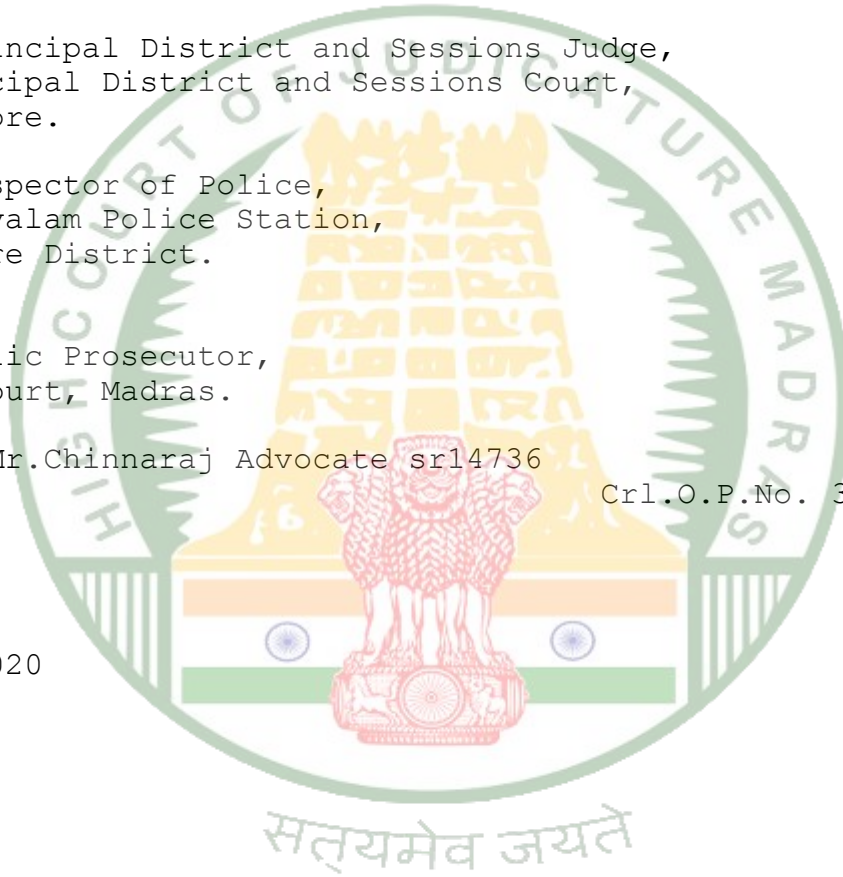
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To

1. The Principal District and Sessions Judge,
Principal District and Sessions Court,
Vellore.
2. The Inspector of Police,
Thiruvallam Police Station,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.Chinnaraj Advocate srl4736

CrI.O.P.No. 3670 of 2020

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