

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.8100, 8186, 8187,
8188 & 8189 of 2020

T. Arun Kumar	...Petitioner in Crl. OP No.8100 of 2020
S. Tamilselvan	...Petitioner in Crl. OP No.8186 of 2020
G. Mariyappan	...Petitioner in Crl. OP No.8187 of 2020
E. Jayanthi	...Petitioner in Crl. OP No.8188 of 2020
G.Dhananjayan	...Petitioner in Crl. OP No.8189 of 2020

-Vs-

State rep. by
The Inspector of Police,
Poraiyar Police Station,
Nagapattinam District.
(Cr. No.68 of 2020).

... Respondent in all Crl. O.P.s

Prayer in Crl. O.P. No.8100 of 2020: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the learned Sessions Court, Nagapattinam number the case consequently hear the petition for return the vehicle bearing No.TN 18 E 2801 of the petitioner.

Prayer in Crl. O.P. No.8186 of 2020: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the learned Sessions Court, Nagapattinam number the case consequently hear the petition for return the vehicle bearing No.TN 12 S 8167 of the petitioner.

Prayer in Crl. O.P. No.8187 of 2020: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the learned Sessions Court, Nagapattinam number the case consequently hear the petition for return the vehicle bearing No.TN 51 H 1328 of the petitioner.

Prayer in Crl. O.P. No.8188 of 2020: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the learned Sessions Court, Nagapattinam number the case consequently hear the petition for return the vehicle bearing No.TN 31 AZ 6768 of the petitioner.

Prayer in Crl. O.P. No.8189 of 2020: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the learned Sessions Court, Nagapattinam number the case consequently hear the petition for return the vehicle bearing No.TN 51 J 1136 of the petitioner.

For Petitioners in all Crl. Ops.: Mr.L.Baskaran
For Respondent in all Crl. O.P.s : Mr.Mohammed Riyaz
Additional Public
Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed for a direction to the learned Sessions Court, Nagapattinam, to entertain the petitions filed by the petitioners for release of Lorry.

2. The Lorry belonging to the petitioners were seized by the respondent police in Crime No.68 of 2018 for an offence under Sections 379 and 430 IPC and under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. The petitioners filed a petitions on 18.05.2020, seeking for return of the Lorry. These petitions were not entertained by the Court below and therefore, the present Criminal Original Petitions have been filed before this Court.

3. The position of law has been clarified by this Court by the Judgment made in Muthu Vs. The District Collector, Puducherry and others in W.P(MD)No.19936 of 2017 etc., wherein this Court has given guidelines with regard to the manner in which the petition filed for return of vehicle should be entertained by the concerned Jurisdictional Court.

4. These Criminal Original Petitions are disposed of by giving liberty to the petitioners to re-present the petitions for release of vehicle before the learned Sessions Court, Nagapattinam and the said petitions shall be entertained by the Court below and shall be decided in accordance with the guidelines given by this Court in the Judgment referred supra, within a period of two weeks from the date of receipt of a copy of this order .

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Poraiyar Police Station,
Nagapattinam District.
2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.Nos.8100, 8186,
8187, 8188 & 8189 of 2020

BR(CO)
KKV/11/06/2020



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