

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G. K. ILANTHIRAIYAN

CrI.O.P.No.10103 of 2020

D. Mylsamy,
S/o. Duraisamy,
Door No.3/331-1,
Vada Street, A Thalaisyur,
Sankagiri Taluk,
Salem District,
Salem - 637 301. Petitioner

Vs.

1.The Inspector of Police,
Sankagiri Police Station,
Salem - 637 303.

2.The Assistant Geologist/Deputy Director,
Geographical and Mines Department,
O/o. The District Collector,
Salem.

3.The Revenue Divisional Officer,
Sankagiri Taluk,
Salem District.

4.The Tahsildar,
Sankagiri Taluk,
Salem District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the learned Principal Sessions Judge, Salem to take on file the application filed by the petitioner in CrI.M.P.(Sr)No.727 of 2020 for release of his vehicle, which was returned on 15.06.2020 by the learned Principal Sessions Judge, Salem to number the same and pass appropriate orders on its merits.

For Petitioner : Mr. A. Rajesh Kanna

For Respondents: Mr.S. Karthikeyan,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed for a direction to direct the learned Principal Sessions Judge, Salem to take on the file of the application filed by the petitioner in CrI.M.P.(Sr)No.727 of 2020 for release of his vehicle, which was returned on 15.06.2020 by the learned Principal Sessions Judge, Salem to number the same.

2. The Tipper Lorry belonging to the petitioner was seized by the Special Revenue Inspector (Mines), Department of Geology and Mining, Salem on 06.09.2019 for alleged illegal transport of rough stones. The petitioner filed a petition on 20.02.2020 before the learned Principal Sessions Judge, Salem, seeking for return of the Tipper Lorry. This petition was not entertained by the Court below and therefore, the present Criminal Original Petition has 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. This Criminal Original Petition is disposed of by giving liberty to the petitioner to re-present the petition for release of vehicle before the Learned Principal Sessions Judge, Salem and the said petition 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 copy of this order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

SSI

To

1.The Inspector of Police,
Sankagiri Police Station,
Salem - 637 303.

WEB COPY

2.The Assistant Geologist/Deputy Director,
Geographical and Mines Department,
O/o. The District Collector,
Salem.

3.The Revenue Divisional Officer,
Sankagiri Taluk,
Salem District.

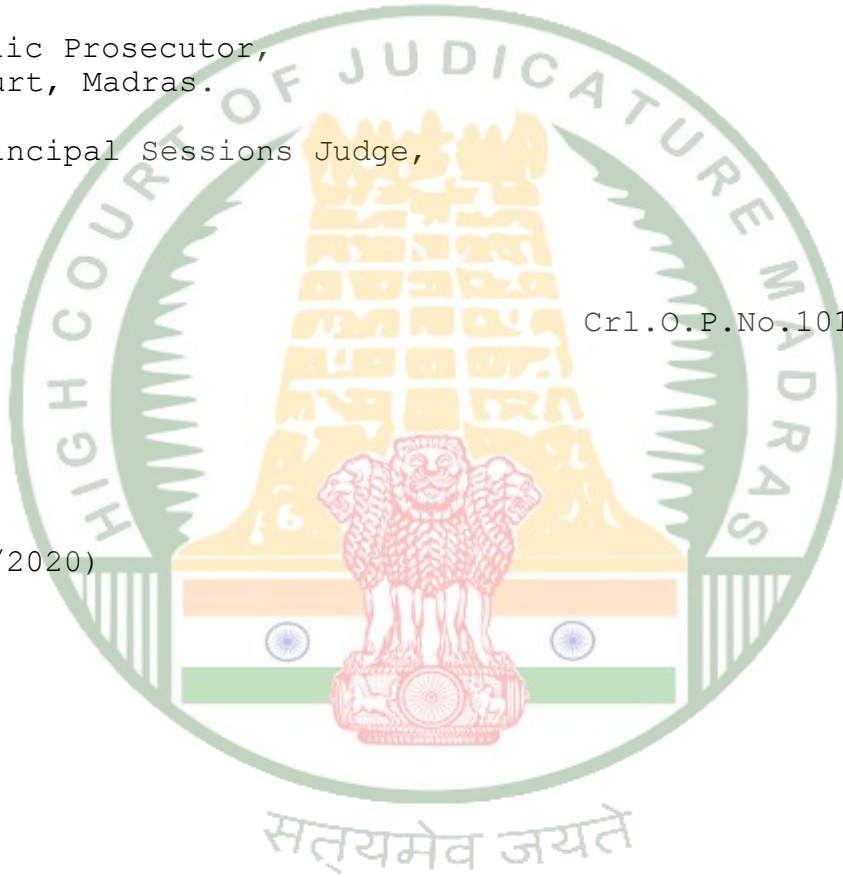
4.The Tahsildar,
Sankagiri Taluk,
Salem District.

5.The Public Prosecutor,
High Court, Madras.

6.The Principal Sessions Judge,
Salem.

CrI.O.P.No.10103 of 2020

BR (CO)
GS (29/07/2020)



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