

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.10640 of 2020

Nanal Travels
represented by its Proprietor
Sathish

... Petitioner

Vs.

Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.
(Cr.No.1590 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the docket order passed by the learned Judicial Magistrate, Sriperumbudur in Crime No.1590 of 2020 on the file of the Inspector of Police, Sriperumbudur Police Station, Kancheepuram District and also to give suitable direction to the learned Judicial Magistrate, Sriperumbudur to take the petition on file for return of property.

For Petitioner :M/s.N.Sudharsan

For Respondent :Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to set aside the docket order passed by the learned Judicial Magistrate, Sriperumbudur in Crime No.1590 of 2020 on the file of the Inspector of Police, Sriperumbudur Police Station, Kancheepuram District, thereby rejecting the application filed by the petitioner under Sections 457 and 451 of Cr.P.C for return of vehicle.

2. The learned Magistrate returned the petition for return of vehicle for the reason that "There is no emergent in this application. Hence, records to be filed before the regular Court after lockdown is listed".

3. This is the case of return of vehicle. Therefore, there is no urgency. 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. Considering the above circumstances, the petitioner is directed to re-present the petition for return of his vehicle before the learned Judicial Magistrate, Sriperumbudur, pursuant to Crime No.1590 of 2020. Forthwith, on receipt of the same, the learned Magistrate, Sriperumbudur, is directed to consider the application and pass orders on merits in accordance with law and also 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.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mra
To

1. The Judicial Magistrate,
Sriperumbudur .
2. The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.
(Cr.No.1590 of 2020)
- 3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No. 10640 of 2020

MP(CO)
SP(30/09/2020)