

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.10715 of 2020

Selvamani,
S/o.Chinna Kulandai,
No.357, Pudumanai Colony,
Kelkothur,
Vellore District. Petitioner

Vs.

The Inspector of Police,
Anaicut Police Station,
Anaicut,
Vellore District.
(Cr.No.104 of 2020) Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the District and Sessions Judge, Vellore to consider the petition filed by the petitioner praying to release of his vehicle, Light Goods Vehicle Ashok Leyland bearing registration Number as TN-23 CD-9145 Seized in Crime No.104 of 2020 and hand over the same to the petitioner which is under the custody of respondent.

For Petitioner :Mr.S.P.Arthi

For Respondent :Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed for a direction to the District and Sessions Judge, Vellore to consider the petition filed by the petitioner praying to release of his vehicle, Light Goods Vehicle Ashok Leyland bearing registration Number as TN-23 CD-9145 Seized in Crime No.104 of 2020 and hand over the same to the petitioner

2. A light goods vehicle belonging to the petitioner viz., Ashok Leyland bearing registration Number as TN-23 CD-9145 was seized by the respondent police for an offence under Sections 379 and 430 IPC and under Section 4(1)(g), 4(1)(a), 4(1-A)ii of TNP Act and registered a case in Crime No.104 of 2020. Therefore, a petition was filed before the District Sessions Court, Vellore, seeking for return of the vehicle under Sections 457 r/w 451 Cr.P.C. The said petition was returned with an endorsement dated 16.06.2020, stating reason that "not convinced, no urgency". Aggrieved by the said

reason, the petitioner has filed the present petition before this Court.

3. The learned counsel for the petitioner submitted that his vehicle is placed under sunlight and rain and therefore, his vehicle is getting damaged. He further submitted the petitioner earns income only through that vehicle. Therefore, he prays for return of the vehicle.

4. The learned Additional Public Prosecutor submitted that the petitioner has not mentioned any reason stating urgency, hence the petition was returned.

5. Considering the above submission and without going into the merits of the case and also considering that the vehicle of the petitioner is getting damaged due to exposure of sunlight and rain, this Court feels it appropriate to direct the petitioner to re-present the petition with the reasons stating his urgency before the District Sessions Court, Vellore. On such re-presentation, the learned District and Sessions Judge, is directed consider the petition afresh and return his vehicle, forthwith.

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

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

vsn

To

1. The District and Sessions Judge,
District Sessions Court,
Vellore.

2. The Inspector of Police,
Anaicut Police Station,
Anaicut,
Vellore District.

3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.10715 of 2020

SSV(CO)
GMY(10/09/2020)