

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 10917 of 2020

M.Sowcarpandiyam

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Kadambathur Police Station,
Thiruvallur District.
(Crime No.512 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the Principal District and Sessions Court at Thiruvallur to number the return of property petition in connection with crime No.512 of 2020 on the file of the respondent.

For Petitioner :Mr.R.Sasikumar

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

O R D E R

This Criminal Original Petition has been filed for a direction to the Principal District and Sessions Court at Thiruvallur, to number the return of property petition filed in connection with crime No.512 of 2020 on the file of the respondent.

2. The JCB belonging to the petitioner was seized by the respondent police in Crime No.512 of 2020 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 petitioner filed a petition on 01.06.2020 seeking for return of the JCB. 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 Principal District and Sessions Court at Thiruvallur, 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

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To

1. The Inspector of Police,
Kadambathur Police Station,
Thiruvallur District.
2. The Public Prosecutor,
High Court of Madras, Chennai.

CRL.O.P. No. 10917 of 2020

RSK(CO)
CB(24/09/2020)

सत्यमेव जयते

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