

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.12178 of 2020

Kathiravan

... Petitioner

Vs.

State Rep. by

The Sub-Inspector of Police,
Thirupathur Taluk Police Station,
The then Vellore District,
Now Thirupathur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the learned Principal Sessions Judge, Vellore to number the petition filed by the petitioner on 21.07.2020 through e-mail filing mode on re-presentation of the returned papers regarding the release of the vehicle Tractor and Tractor bearing registration No.TN-83-S-6460 and dispose of the same within a stipulated period.

For Petitioner :Mr.A.R.Suresh

For Respondent :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, Vellore to number the petition filed by the petitioner on 21.07.2020 through e-mail filing mode on re-presentation of the returned papers regarding the release of the vehicle, Tractor and Tractor bearing registration No.TN-83-S-6460 and dispose of the same within a stipulated period.

2. It is seen from the records that the petitioner's vehicle bearing registration No.TN-83-S-6460 involved in Cr.No.7 of 2020 registered for the offences punishable under Sections 379 and 430 of IPC r/w Section 21(1) of MMDR Act has been seized by the respondent police and it is yet to be produced before the Magistrate Court concerned.

3. Further it is seen that the petitioner has already filed a petition under Section 451 of Cr.P.C before the learned Principal District Court, Vellore and the same has not been taken on file so far in view of the prevailing COVID-19 Pandemic situation as there was a circular to entertain only most urgent petitions.

4. Since the prayer sought for in this petition is to return the vehicle and always an urgency prevails there, it can be considered as an urgent petition.

5. Considering the facts and circumstances of the case, the respondent police is directed to deposit the vehicle bearing registration No. TN-83-S-6460 involved in Cr.No.7 of 2020 registered for the offences punishable under Sections 379 and 430 of IPC r/w Section 21(1) of MMDR Act before the learned Principal Sessions Judge, Vellore, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the vehicle, the learned Principal Sessions Judge, Vellore, is directed to take up the petition filed by the petitioner under Sections 379 and 430 of IPC r/w Section 21(1) of MMDR Act for return of vehicle, on file immediately and to consider the same and pass orders on merits and in accordance with law.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gbi

To

1. The Principal Sessions Judge,
Vellore.

2.The Sub-Inspector of Police,
Thirupathur Taluk Police Station,
The then Vellore District,
Now Thirupathur District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.V.Thirupathi, Advocate Sr.No. 26767

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MG(CO)

RMP(14/09/2020)