

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12175 of 2020

Visu

S/o. Seenivasan,
No.4/5B, Kittampatti Village,
Chinna Govindapuram,
Thirupathur Taluk & District.

... Petitioner

Vs.

The 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 Hon'ble Principal Sessions Judge, Vellore to number the petition filed by the petitioner on 28.07.2020 through e-mail filing mode on re-representation of the returned papers regarding the release of the Vehicle JCB bearing Registration TN 60 H 2008 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 direction directing the Principal Sessions Judge, Vellore to number the petition filed by the petitioner on 28.07.2020, regarding the release of the Vehicle JCB bearing Registration TN 60 H 2008 and dispose of the same.

2. The Vehicle JCB belonging to the petitioner was seized by the respondent police in Crime No.7 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 had filed a petition on 28.07.2020 seeking for return of Vehicle 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 Sessions Judge, Vellore 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

bkn

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.

सत्यमेव जयते

+1 cc to M/s.V.Thirupathi, Advocate Sr.No. 26768

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VD(CO)

RMP(16/10/2020)