

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.12176 of 2020

Perumal,
S/o. Murugesan,
No.5/2, Vishamangalam Village & Post,
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 21.07.2020 through e-mail filing mode on re-representation of the returned papers regarding the release of the unregistered Tractor bearing Engine No. NJJ3MAE0481 and Chassis No.MBNAAALXAJNJ0135 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 21.07.2020, regarding the release of the Tractor and dispose of the same.

2. The Tractor 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 21.07.2020 seeking for return of Tractor. 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

To

1. The Sub-Inspector of Police,
Thirupathur Taluk Police Station,
The then Vellore District,
Now Thirupathur District.
2. The Principal Sessions Judge, Vellore.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Thirupathi, Advocate, Sr.No.26771

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