

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.12253 of 2020

K.Parvathamma
W/o. Chandra Reddy,
Karur, Tada Mandal,
Nellore District,
Andhra Pradesh-524401

... Petitioner/Claimant

Vs.

State rep., by
The Inspector of Police,
Gummidipoondi Police Station,
Gummidipoondi,
Thiruvallur District-601 201
Cr.No.1445/2020

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the Principal District and Sessions Judge, Thiruvallur to take on file the petition filed by the petitioner by assigning CrI.M.P.Number praying the respondent to release the petitioner's vehicle Tractor along with its Trailer bearing Reg. No.AP-03-BX-1078 bearing chassis No.G201606758YSEWATP00550050TT and in respect of the JCB Vehicle bearing Regn.No.AP-26-AX-0637 bearing chassis No.HAR3DXSSV01845074 and Engine No.H00048294 filed on 17.07.2020 with unknown S.R.Number, returned on 29.07.2020 number the petition.

For Petitioner :Mr.N.Poovanalingam

For Respondent :Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed for a direction to the Principal District and Sessions Judge, Thiruvallur, to entertain the petition filed by the petitioner for release of Tractor.

2. The Tractor belonging to the petitioner was seized by the respondent police in Crime No.1445of 2020 for an offence under Sections 379 and 430 of IPC . The petitioner filed a petition on 17.07.2020 seeking for return of the 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 District and Sessions Judge, 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

To

1.Principal District and Sessions Judge
Thiruvallur.

2.The Inspector of Police,
Gummidipoondi Police Station,
Gummidipoondi,
Thiruvallur District-601 201

3.The Public Prosecutor,
High Court, Madras.

+1CC to M/s.N.Poovanalingam Sr No.26600

सत्यमेव जयते

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VS (CO)
RV (02/09/2020)