

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.12511 of 2020

Surendhar
S/o Kaliyappan
1/150, South Street
Nedunchery
Kodavasal Taluk
Tiruvarur District.

...Petitioner

Vs.

State by
The Inspector of Police,
Nanilam Police Station,
Tiruvarur District.
(Cr.No.184 of 2020)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the Principal District Sessions Judge, Tiruvarur to accept the re-presentation of the petition for return of property filed by the petitioner under Section 451 and 457 of Cr.P.C., which was returned on 29.06.2020 for the release of the JCB bearing registration No.TN 28 BC 4785 seized in connection with Cr.No.184 of 2020 on the file of the respondent on 31.03.2020, to take on the file and proceed in accordance with law.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the Principal District Sessions Judge, Tiruvarur to accept the re-presentation of the petition for return of property filed by the petitioner under Section 451 and 457 of Cr.P.C., which was returned on 29.06.2020 for the release of the JCB bearing registration No.TN 28 BC 4785 seized in connection with Cr.No.184 of 2020 on the file of the respondent on 31.03.2020, to take on the file and proceed in accordance with law.

2. The JCB belonging to the petitioner was seized by the respondent police on 31.03.2020 in connection with the Crime

No.184 of 2020 for an offence under Sections 379 IPC and under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. The petitioner filed a petition on 04.06.2020 seeking for return of the JCB bearing registration No. TN 28 BC 4785. This petition was not entertained by the Court below, due to Covid-19 pandemic 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 Sessions Judge, Tiruvarur, 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 a copy of this order .

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Nanilam Police Station,
Tiruvarur District.

2.The Principal District Sessions Judge,
Tiruvarur.

3.The Additional Public Prosecutor,
High Court of Madras.

4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.12511 of 2020

SPD(CO)
RV(11/11/2020)