

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12620 of 2020

N.Selvaraj M/46 years

S/o.Nataraj

Kanthayi Kaadu, Manakadavu,

Dharapuram Taluk, Tiruppur District.

... Petitioner

Vs.

State represented by

The Inspector of Police,

Uthiyur Police Station,

Tiruppur District.

Crime No.13 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., prayed to call for the records and set aside the docket endorsement dated 27.07.2020 in unnumbered Crl.M.P.No. Of 2020 in filing No.2894 of 2020 in Cr.No.13/20 on the file of Principal District and Sessions Judge, Tiruppur and further direct the Principal District and Sessions Judge, Tiruppur to number the above application in filing No.2894 of 2020.

For Petitioner :Mr.N.Ponraj

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, Tiruppur, to entertain the petition filed by the petitioner for release of TATA-Hitachi Zaxsis 120H.

2. The TATA-Hitachi Zaxsis 120H belonging to the petitioner was seized by the respondent police in Crime No.13 of 2020 for an offence under Sections 379 and 511 IPC. The petitioner filed a petition on 21.07.2020 seeking for return of the TATA-Hitachi Zaxsis 120H. 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, Tiruppur, 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

mpa

To

- 1.The Principal District and Sessions Judge,
Tiruppur.
- 2.The Inspector of Police,
Uthiyur Police Station,
Tiruppur District.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.12620 of 2020

SV(CO)
CB(14/10/2020)

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