

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 12748 of 2020

Sadiq,
S/o. Mohamed,
No.133B, Pandikasalakath House,
Valliyaparamb, Puthur Post,
Poothukkungal,
Malapuraam Taluk & District,
Kerala. ... Petitioner

Vs.

State by
The Inspector of Police,
R-11-Royala Nagar Police Station,
Chennai .
(Cr.No.133 of 2020) ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records and set aside the order dated 06.08.2020 passed by the Learned Judicial Magistrate No.I, Ponnammallee, Thiruvallur District made in Unnumbered C.M.P. S.R. No.: of 2020 (D.No.888/2020) and to return the Car bearing Registration No. KL 65 L-2540 to the custody of the petitioner herein.

For Petitioner :Mr. S.Sasikumar

For Respondent :Mr. S.Karthikeyan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records and set aside the order dated 06.08.2020 passed by the Learned Judicial Magistrate No.I, Ponnammallee, Thiruvallur District made in Unnumbered C.M.P. S.R. No.: of 2020 (D.No.888/2020) and to return the Car bearing Registration No. KL 65 L-2540 to the custody of the petitioner herein

2. The Car bearing Registration No. KL 65 L-2540, belonging to the petitioner was seized by the respondent police in Crime No.133 of 2020 for offence under Sections 66 (b) of Information

Technology Act, Section 507, 294(b), 506(i) r/w. 120(b) IPC. The petitioner filed a petition on 05.08.2020 seeking for return of the Car. 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 Judicial Magistrate No.I, Ponnammallee, Thiruvallur District 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(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
R-11-Royala Nagar Police Station,
Chennai.

2.The Judicial Magistrate No.I,
Ponnammallee, Tiruvallur.

3.The Public Prosecutor,
High Court, Madras.

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srg 22/10/2020