

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12757 of 2020

Devarajan,
S/o.Thandavarayan,
No.2/185, Bajanai Koil Street,
Therukupattu, Chengalpet District. ...Petitioner

Vs.

The Inspector of Police,
Chengalpet Taluk Police Station,
Chengalpet District.
Crime No.58/2020. ...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the District and Sessions Judge, Chengalpattu to dispose the Crl.MP.No.1365 of 2020 filed by the petitioner praying to release his vehicle, Heavy Goods Carrier, Tata Motors Tipper Lorry bearing registration number as TN-21:AW-9355 seized in Crime No.58 of 2020 and hand over the same to the petitioner within the stipulated time frame.

For Petitioner : Mr.L.Ramu

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed for a direction to the District and Sessions Judge, Chengalpattu,, to entertain the petition filed by the petitioner for release of Heavy Goods Carrier,Tata Motors Tipper Lorry.

2. The Heavy Goods Carrier, Tata Motors Tipper Lorry belonging to the petitioner was seized by the respondent police in Crime No.58 of 2020 for an offence under Sections 430 and 379 IPC r/w.21(1) of Mines and Minerals Act. The petitioner filed a petition on 17.02.2020 seeking for return of the Heavy Goods Carrier, Tata Motors Tipper Lorry. 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 District and Sessions Judge, Chengalpattu, 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

mpa

To

- 1.The District and Sessions Judge, Chengalpattu
- 2.The Inspector of Police,
Chengalpet Taluk Police Station,
Chengalpet District.
- 3.The Public Prosecutor,
High Court, Madras.

WEB COPY

CrI.O.P.No.12757 of 2020

NRL (CO)
GMY (21/09/2020)