

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12992 of 2020

Maheswaran

... Petitioner

Vs.

State through,
The Inspector of Police,
Manaval Nagar Police Station,
Thiruvallur District.
(Crime No.1565 of 2020)

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 482 of Cr.P.C, praying to direct the learned Judicial Magistrate No.II, Thiruvallur to taken up the case in Crl.M.P(SR). No.Unknown of 2020, E-mail dated 14.08.2020 and dispose the same on merits.

For Petitioner : Mr.R.Krishnamurthy

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to direct the learned Judicial Magistrate No.II, Thiruvallur to taken up the case in Crl.M.P(SR).No.Unknown of 2020, E-mail dated 14.08.2020 and dispose the same on merits.

2. The Honda Bike belonging to the petitioner was seized by the respondent police in Crime No.1565 of 2020 for an offence under Sections 451 and 457 of Cr.P.C. The petitioner filed a petition on 14.08.2020 seeking for return of the Honda Bike. 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 learned Judicial Magistrate No.II, 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. The Judicial Magistrate No.II, Thiruvallur.

2. Do Thro' The chief Judicial Magistrate,
Thiruvallur.

3. The Chief Judicial Magistrate, Thiruvallur

4. The Inspector of Police,
Manaval Nagar Police Station,
Thiruvallur District.

5. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.12992 of 2020

GJ(CO)
RV(04/12/2020)

सत्यमेव जयते

WEB COPY