

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.13580 of 2020

K.P.Investment
A Proprietary Organisation
Having Office at
Karur, Tada Mandalam,
Nellore District,
PIN 524401, Andra Pradesh
And duly represented by
its Proprietor,
Mr.S.Veerakumar, M/A-51 years,
S/o.M.Subramani,
No.32, III Cross Street,
MKB Nagar, Vysarpadi,
Chennai 600 039.

...Petitioner/Third Party

Vs.

1. State by
Inspector of Police,
H-8 Tiruvottriyur Police Station,
Tiruvottriyur, Chennai.
Cr.No.62/2020

2. Mr.A.Manikandan,
S/o.Arumugam,
No.175, Bejawada Lane,
Bhojaraja Nagar,
Old Washermanpet,
Chennai 600 021.

... Respondents/Complainants/
Accused

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, praying to direct the learned Judicial Magistrate, Tiruvottriyur to take up my petition in unnumbered CrI.MP.No. Of 2020 praying for return of property on file and decide the same on merits.

For Petitioner : Mr.A.Thirumaran
For R1 : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This petition has been filed seeking a direction directing the learned Judicial Magistrate, Tiruvottriyur to take up my petition in unnumbered Crl.MP.No. Of 2020 praying for return of property on file

2. The Motor cycle belonging to the petitioner was seized by the respondent police in Crime No.62 of 2020 for an offence under Sections 379 IPC. The petitioner filed a petition on 09.07.2020 seeking for return of the Motorcycle. 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, Tiruvottriyur 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 Inspector of Police,
H-8 Tiruvottriyur Police Station,
Tiruvottriyur, Chennai.
2. The Public Prosecutor
High Court, Madras.

Crl.O.P.No.13580 of 2020

AK(CO)
RV(09/10/2020)