

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.14585 of 2020

1. A.Rajendran,
S/o.Arumugam,
No.6, Throupati Amman Koil Street,
Pompur, Villupuram-605 652.
2. S.Ravichandran,
S/o.Subburayan,
Main Road, T.Kospalayam,
Thirukkunnam,
Anniyur, Villupuram-605 602.Petitioners

Vs.

1. The State represented by
The Sub Inspector of Police,
Tachampet Police Station,
Thiruvannamalai District,
(FIR No.62 of 2020)
2. The state by
Assistant Puviyiyalar,
Puviyiyal & Suranga Thurai,
Thiruvannamalai District.Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 1st respondent to return the vehicles 1)Proclaine TATA HITACHI EXCAVATOR model No.ZX210LCH-1 Machine Sl.No.OACE-001778Z-AXIS 210-LCH, Chase No.SN0268132 to the 1st petitioner and 2)Tractor bearing Reg.No.TN55L1587, Engine No.13406010, Chase No.334586 K.501-A09287, to the 2nd petitioner.

For Petitioners : Mr.S.N.Amarnath
For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor.

ORDER

This petition has been filed seeking for direction to the first respondent to return the vehicles viz., 1)Proclaine TATA HITACHI EXCAVATOR model No.ZX210LCH-1 Machine Sl.No.OACE-001778Z-AXIS 210-LCH, Chase No.SN0268132 to the 1st petitioner and 2)Tractor bearing Reg.No.TN55L1587, Engine No.13406010, Chase No.334586 K.501-A09287, to the 2nd petitioner.

2. The Procaine TATA HITACHI EXCAVATOR belonging to the first petitioner and Tractor belonging to the second petitioner were seized by the first respondent police in Crime No. 62 of 2020 for the offences under Sections 379 and 511 IPC and r/w. Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. Thereafter, the vehicles were handed over to the second respondent and after verification it was kept by them in the first respondent police station from 19.02.2020 till date. The petitioners made representation for return of vehicles and the same was not considered by the respondent police. Therefore, the present Criminal Original Petition has been filed before this Court.

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondents.

4. 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. However the first respondent did not deposit the said vehicles before the concerned Court.

5. Considering the above facts and circumstances of the case, the first respondent is directed to deposit the vehicles, which were seized from the petitioners pursuant to the Crime No.62 of 2020 before the concerned Court, within a period of one week from the date of receipt of a copy of this order. Thereafter, the petitioners are at liberty to file a petition to release their vehicles under section 451 Cr.P.C., and on receipt of the same, the learned Magistrate is directed to dispose the same within a period of four weeks from the filing of that petitions.

सत्यमेव जयते Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate, Tiruvannamalai

2. Do Thro The Chief Judicial Magistrate, Tiruvannamalai

3. The Sub Inspector of Police,
Tachampet Police Station,
Thiruvannamalai District.

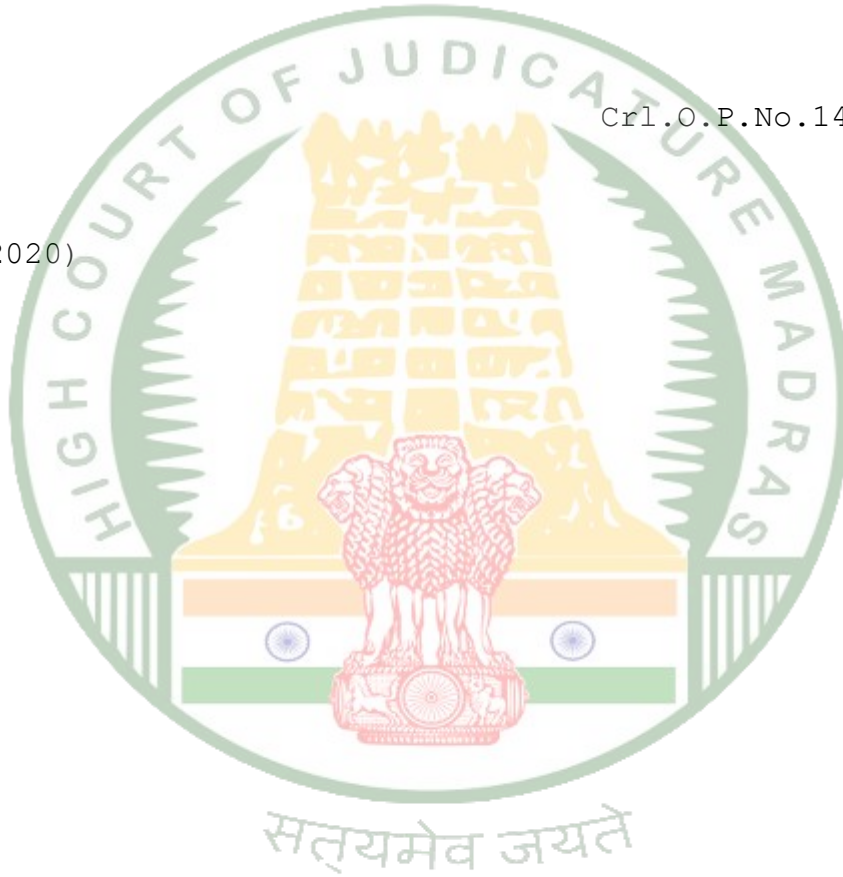
4. The Assistant Puviyiyalar,
Puviyiyal & Suranga Thurai,
Thiruvannamalai District.

5. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.N.Amarnath, Advocate in SR.NO..30715

Crl.O.P.No.14585 of 2020

AJS (CO)
RV(14/10/2020)



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