

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13896 of 2020

T.Hemanth Kumar

... Petitioner

Vs.

State Rep by its
The Sub-Inspector of Police
T-15, SRMC Police Station
Porur, Chennai.
Crime No.748/2020

....Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records in respect of the impugned order in unnumbered CMP vide D.No.847/2020 dated 27.07.2020 on the file of the Hon'ble Judicial Magistrate No.1, at Poonamallee and set aside the same and consequentially direct the respondent to return the property being Scooter bearing registration No.TN 03 W 6742 (Date of Registration 20.02.2018) with chasis No.ME4JF39DBJT032115 Engine No.JF39ET2047062 manufactured by Honda Motor cycle and Scooter Ltd with month and year of Mfg 02/2018 model : Dio, Wheel base 001238 and ofred colour, with body type solo with pillion with 1 cylinders to the petitioners herein.

For Petitioner : Mr.A.Thirumaran

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

O R D E R

The Criminal Original Petition has been filed to call for the records in respect of the impugned order in unnumbered CMP vide D.No.847/2020 dated 27.07.2020 on the file of the Hon'ble Judicial Magistrate No.1, at Poonamallee and set aside the same and consequentially direct the respondent to return the property being Scooter bearing registration No.TN 03 W 6742 (Date of Registration 20.02.2018).

2. The Scooter belonging to the petitioner was stolen by some unknown persons, and in this regard the petitioner herein lodged a complaint before the respondent police and the respondent police registered the same in Crime No.748 of 2020

for an offence under Sections 379 IPC. Upon search and recovery, the said property was recovered by the respondent on 18.07.2020. Therefore the petitioner filed a petition before the Judicial Magistrate No.1, Poonamallee, seeking for return of the Scooter. 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.1, Poonamallee, 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-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.1,
Poonamallee,

2.The Sub-Inspector of Police
T-15, SRMC Police Station
Porur, Chennai.

3.The Public Prosecutor
High Court of Madras.

Cr1.O.P.No.13896 of 2020

BP(CO)
CB(02/11/2020)