

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.14550 of 2020

Silambu,
S/o.Angi,
No.2/185, Peiyadi Vattam,
Thamaleri Muthur Village & Post,
Thirupathure Taluk,
Thirupatture District.

...Petitioner

.Vs.

The Inspector of Police,
Jolarpet Police Station,
Tirupathure District.
(Crime No.451 of 2020)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned Principal District Judge, Vellore to number the case unnumbered CMP/2020 in Crime No.451 of 2020 and dispose the matter within four weeks pending.

For Petitioner : Mr.I.Periaswamy

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

ORDER

This Criminal Original Petition has been filed for a direction directing the Principal District Judge, Vellore to entertain the petition filed by the petitioner for release of JCB.

2. The JCB belonging to the petitioner was seized by the respondent police in Crime No.451 of 2020 for the offences under Sections 430 and 379 IPC r/w.21(1) of Mines and Minerals Act. The petitioner filed a petition on 18.07.2020 seeking for return of the JCB. 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 Principal District Judge, Vellore, 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 Principal District Court, Vellore.
2. The Inspector of Police,
Jolarpet Police Station,
Tirupathure District.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.14550 of 2020

ajs (co)
rr ii (02/11/2020)