

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.14236 of 2020

Devendaran

... Petitioner

Vs.

State Rep by its
The Inspector of Police
Jolarpet Police Station
Tirupathure District.
(Crime No.451 of 2020).

...Respondent

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

For Petitioner : Mr.I.Periaswamy

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor.

O R D E R

The Criminal Original Petition has been filed to direct the Hon'ble Principle District Judge, Vellore to number the case unnumbered CMP /2020 in crime No.451 of 2020 and dispose the matter.

2. The Tractor bearing registration No.TN 23 BY 8330, belonging to the petitioner was seized by the respondent police in Crime No.451 of 2020 for an offence under Sections 379 and 430 IPC and under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. The petitioner filed a petition on 18.07.2020 seeking for return of the Tractor. 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 Principle 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 a copy of this order .

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal District Judge, Vellore.

2.The Inspector of Police
Jolarpet Police Station
Tirupathure District.

3.The Public Prosecutor
High Court of Madras.

Cr1.O.P.No.14236 of 2020

A.SK(06/11/2020)