

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.15157 of 2020

Moytheen

...Petitioner

Vs.

State Rep by
The Inspector of Police
Arcot Town Police Station
Arcot, Ranipet District.
(Crime No.677/2020)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Judicial Magistrate at Arcot, Ranipet District to take the Criminal Miscellaneous Petition in Crl.M.P.(SR).No.1645 of 2020 on the file and to consider and dispose the same on merits.

For Petitioner : Mr.N.S.Amarnath

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

O R D E R

The Criminal Original Petition has been filed to direct the learned Judicial Magistrate at Arcot, Ranipet District to take the Criminal Miscellaneous Petition in Crl.M.P.(SR).No.1645 of 2020 on the file and to consider and dispose the same on merits.

2. The Ford Endeavour Car SM Silver colour, belonging to the petitioner was seized by the respondent police in Crime No.677 of 2020 for an offence under Sections 406 and 420 IPC and deposited before the Judicial Magistrate at Arcot, Ranipet District. The petitioner filed a petition on 08.09.2020 seeking for return of the vehicle bearing Registration No.TN-22 AD-5689. 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 at Arcot, Ranipet District 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

Jer

To

1.The Judicial Magistrate at Arcot
Ranipet District.

2.Do-thro The Chief Judicial Magistrate
Ranipet

3.The Inspector of Police
Arcot Town Police Station
Arcot,
Ranipet District.

4.The Public Prosecutor
High Court of Madras.

Cr1.O.P.No.15157 of 2020

AJS (CO)
RN(20/10/2020)