

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2020

CORAM

THE HONOURABLE MR. JUSTICE T. RAVINDRAN

CrI.O.P.No. 17848 of 2020

Selvi

W/o.Kannan

... Petitioner/Owner of the property

Vs.

State rep. by

Inspector of Police

Thalayamangalam Police Station

Thiruvarur District

(Crime No.67 of 2019) ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the Hon'ble District and Sessions Judge, Thiruvarur to number the petition filed by the petitioner on 12.03.2020 on re-presentation of the returned papers regarding the release of the unregistered Tractor bearing Engine No. ZKE2KAA6120 and dispose of the same within a stipulated time.

For Petitioner : Mr.Swami Subramaniam

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been laid by the petitioner seeking for a direction to the District and Sessions Court, Tituvarur, to number the petition preferred by her on 12.03.2020 on re-presentation of the returned papers regarding the release of the unregistered Tractor bearing Engine No. ZKE2KAA6120 and dispose of the same within a stipulated time.

2. Briefly stated, according to the petitioner, her vehicle had been seized by the respondent police in connection with the Crime No.67 of 2019 registered for the offence under Section 379 IPC r/w 21(1) of M&M (D&R) Act and inasmuch as she is depending upon the abovesaid vehicle for her livelihood, accordingly seeking for the release of the abovesaid vehicle, she had moved a petition with reference to the same before the District Sessions Court, Tiruvarur on 12.03.2020. The grievance of the petitioner is that the petition has been returned by the abovesaid District Court.

3. It is the contention of the petitioner's counsel that the District Court should not have returned the petition for the release of the vehicle and she has got the documents to show her ownership with reference to the seized tractor and accordingly, has come forward with the present Criminal Original Petition seeking for necessary direction to the District Court to dispose of the abovesaid petition within a specific time frame.

4. It is represented by the Additional Public Prosecutor that the vehicle had been entrusted to the concerned jurisdictional court as per law and necessary direction may be given to the District Court for the early disposal of the CrI.M P preferred by the petitioner.

5. Considering the abovesaid factors in toto, in the interest of justice and in the fitness of things, I am of the opinion that a suitable direction should be given to the District Sessions Court, Tiruvarur, to take the petition preferred by the petitioner for the release of the vehicle on file and dispose of the same in accordance with law after considering the entitlement of the petitioner to the custody of the vehicle and the objections of the respondent police.

6. For the reasons aforementioned, the petitioner is directed to re-present the returned papers preferred by her for the release of the vehicle dated 12.03.2020 within two days from the date of receipt of a copy of this order in the District Sessions Court, Tiruvarur, and on the re-representation of the same, the District Sessions Court, Tiruvarur, is directed to take the petition on file, if otherwise in order, and dispose of the same in accordance with law after considering the entitlement of the petitioner to the custody of the vehicle and hearing the objection of the respondent police within four weeks from the date of re-representation and accordingly, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The District and Sessions Court, Thiruvarur
2. The Inspector of Police
Thalayamangalam Police Station
Thiruvarur District
(Crime No.67 of 2019)

3.The Public Prosecutor,
Madras High Court,
Chennai.

CrI.O.P.No.17848 of 2020

SDR 18/12/2020



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