



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P. (MD) No. 4271 of 2020

Sivan ... Petitioner/Petitioner/
owner of the vehicle

-vs-

The State represented by
The Sub-Inspector of Police,
Manor Police Station,
Tirunelveli District.
(Crime No. 32 of 2018)

... Respondent/Respondent/
Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to direct the Principal Sessions Judge, Tirunelveli to take up the petitioner's petition moved under Section 451 of Cr.P.C., for the return of his vehicle namely Scorpio Car bearing registration No. KL 04 P 3848 impounded vide P.R.No.136 of 2018 in connection with the First Information Report in Crime No. 32 of 2018 pending on the file of the respondent and further direct the above said Judge to dispose of the said petition as expeditiously as possible within the time stipulated by this Court.

For Petitioner : Mr.R.Anand

For Respondent Mr.A.Robinson
Government Advocate (Cr1.side)

O R D E R

The petitioner filed a petition under Section 451 of Cr.P.C., before the learned Principal District and Sessions Judge, Tirunelveli, seeking return of the petition mentioned vehicle. The same was returned on the ground that the petitioner's name is not reflected in the RC Book. This is challenged before this Court.

2. Heard the learned counsel on either side.



3.The petitioner's car was seized in connection with the illegal transportation of sand. Crime No.32 of 2018 was registered by the Manur police Station. The learned counsel for the petitioner states that the vehicle was purchased in Kerala. The jurisdictional Regional Transport Officer has also given no objection. The vehicle has to be formally registered in the name of the petitioner by the Regional Transport Officer, Tirunelveli. When this process was going on, the occurrence had taken place.

4.There is no dispute about the fact that the vehicle was seized from one Subbiah @ Mani who is none other than the petitioner's driver. It is to be noted that there is no rival claim. Therefore, I am of the view that returning the petition filed by the petitioner on the ground that his name is not reflected in the RC Book, may not be justified.

5.Therefore, the learned Principal District and Sessions Judge, Tirunelveli, is directed to number the petitioner's application and dispose it of on merits and in accordance with law.

6.This Criminal Original Petition is allowed on these terms.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Principal Sessions Judge, Tirunelveli.

2.The Sub-Inspector of Police, Manor Police Station,
Tirunelveli District.

3.Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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DB (CO)

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