



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P. (MD)No.4427 of 2020

Karuppaiah

... Petitioner

-VS-

State represented by
The Inspector of Police,
SIPCOT Police Station, Manamadurai Taluk,
Sivagangai District -630 606.

... Respondent

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to direct release of the petitioner's vehicle bearing registration number : TN 63 AH 9443 based on the order of the learned Principal District Sessions / Special Court, Sivagangai in Cr.M.P.No.3653 of 2019 dated 19.12.2019, to the Additional District Muncif cum Judicial Magistrate Court, Manamadurai.

For Petitioner: Mr.R.Senthilkumar

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

O R D E R

The petition mentioned vehicle was seized by the respondent police on 05.11.2019. The petitioner applied for return of the vehicle. The learned Principal Sessions Judge, Sivagangai by order dated 19.12.2019 in Cr.M.P.No.3653 of 2019, ordered the return of the vehicle on deposit of a sum of Rs.2 Lakhs. The said condition was modified by this Court in Cr.R.C.(MD)No.967 of 2020 dated 28.01.2020. The modified amount of Rs.50,000/- has since been deposited by the petitioner. But the vehicle is yet to be returned to the petitioner. The petitioner moved the learned Judicial Magistrate, Manamadurai. The application was returned on the ground that the vehicle in question was yet to be produced by the police before the Court.

2.I called upon the learned Government Advocate to clarify the factual position.

3.The learned Government Advocate submitted that the vehicle is very much in the station premises.



4.Considering these aspects, the following directions are issued:

i) the respondent will produce the vehicle before the learned Additional District Munsif cum Judicial Magistrate Court, Manamadurai, immediately and without any delay and the learned Principal District and Sessions Judge will also assign RPR number forthwith.

ii)the learned Additional District Munsif cum Judicial Magistrate Court, Manamadurai, will thereafter return the petition mentioned vehicle to the petitioner herein immediately.

5.It is not open to the learned Additional District Munsif cum Judicial Magistrate Court, Manamadurai, to question the jurisdiction of this Court. When the learned Principal District and Sessions Judge (Special Court for sand theft), Sivagangai had directed return of vehicle and when the said order has merged with the order dated 28.01.2020 in Crl.R.C.(MD)No.67 of 2020, it is not open to the Additional District Munsif cum Judicial Magistrate Court, Manamadurai to take the stand that it is a special Court that can order return of the vehicle.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Additional District Munsif cum Judicial Magistrate Court,
Manamadurai.

2.The Principal District Sessions / Special Court, Sivagangai.

3.The Inspector of Police,
SIPCOT Police Station, Manamadurai Taluk,
Sivagangai District -630 606.

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

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-11009[F]

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