



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.5634 of 2020

A.Raja Mohamed

... Petitioner/Accused

Vs

The State Rep. by
Inspector of Police,
Budalur Police Station,
(Crime No.224 of 2020)

... Respondent / Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondent to release the lorry with registration number TN 23 AZ 8706 along with the materials confiscated from the petitioner as mentioned in Crime No.224 of 2020.

For Petitioner	: Mr.A.Raja Mohamed
For Respondent	: Mr.A.Robinson
	Government Advocate (Crl.side)

ORDER

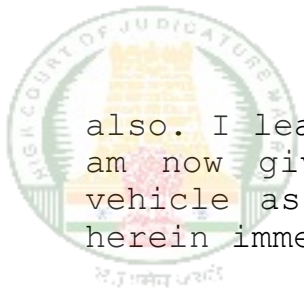
Heard the learned counsel on either side.

2.The petitioner states that he is a retail seller who is based in Thanjavur. He had purchased paddy from Vellore. The paddy was transported from Vellore to Thanjavur in a hired lorry on 18.03.2020. The vehicle along with paddy bags was seized by the respondent. But then, FIR itself came to be registered only on 09.04.2020. There is absolutely no explanation for this delay of 21 days in registering the FIR.

3.The petitioner states that he is having valid purchase bills to show the source of the materials. In fact, he has shown all these materials to the respondent also. It is not the case of the prosecution that the petitioner had engaged in smuggling of rice meant for Public Distribution System.

4.Therefore, I am of the view that the continue retention of the vehicle as well as the paddy by the respondent is not going to serve any purpose. The respondent, is therefore, directed to prepare a mahazar after taking a sample of the rice and return the vehicle as well as the seized paddy (254 bags) to the petitioner forthwith and without any delay.

5.The petitioner through his counsel gives an undertaking that he would co-operate with the investigation. Of-course, the petitioner is having right and liberty to apply for quashing the FIR



also. I leave open the rights of the petitioner. The only relief, I am now giving, is a direction to the respondent to return the vehicle as well as the seized paddy (254 bags) to the petitioner herein immediately and without delay.

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

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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NOTE: 1.In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

2.Issue Order Copy on 05.06.2020

To

- 1.The State Rep. by
Inspector of Police,
Budalur Police Station.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SMA/05/06/2020/2P/3C