



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P (MD)No.6925 of 2020

WEB COPY

P.Suseela

:Petitioner/3rd Party

Vs

1.The State represented by
The Sub Inspector of Police
Sendhamaram Police Station
Tirunelveli District
(Crime No.240 of 2020)

: Respondent/Complainant

2.Krishnakumar

:Respondent/Accused No.4

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondent police to release the White Coloured Ashok Leyland Limited Heavy Goods Vehicle (container) bearing Registration No.TN 66 Q 7584 which was seized by the respondent police in connection with Crime No.240 of 2020 dated 16.05.2020.

For Petitioner

: Mr.S.Palani Velayutham

For Respondent No.1

: Mr.K.K.Ramakrishnan

Additional Public Prosecutor

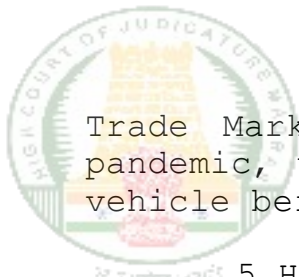
ORDER

This petition has been filed for a direction to the respondent police to release the White Coloured Ashok Leyland Limited Heavy Goods Vehicle (container) bearing Registration No.TN 66 Q 7584 which was seized by the respondent police in connection with Crime No.240 of 2020 dated 16.05.2020.

2.The case of the petitioner is that on violation of lock down, the petitioner's vehicle bearing Registration No.TN-66-Q -7584 has been seized by the respondent police on 16.05.2020 in Crime No.240 of 2020, but the vehicle has not been produced before the concerned Judicial Magistrate.

3.The learned counsel for the petitioner submits that though the petitioner is not arrayed as an accused in Crime No.240 of 2020, he is not in a position to get back the vehicle seized by the respondent police in the above said crime number. Hence, the petitioner is before this Court.

4.The learned Additional Public Prosecutor, on instructions, submits that the petitioner's vehicle has been seized pursuant to the case registered in Crime No.240 of 2020 for the offence under Sections 482, 483, 486, 420 I.P.C and Section 103(a) and 104 of



Trade Marks Act, 1999. He further submits that due to Covid-19 pandemic, the respondent police is not in a position to produce the vehicle before the concerned Magistrate Court.

5. Heard, Mr.S.Palani Velayutham, learned counsel for the petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the State.

6. In view of the limited prayer sought for by the petitioner, the respondent police is directed to produce the petitioner's vehicle before the concerned Judicial Magistrate Court within a period of one week from the date of receipt of a copy of this order. It is open to the petitioner to file a necessary application under Section 451 of Cr.P.C. for releasing her vehicle. If such a petition is filed, the concerned learned Judicial Magistrate shall entertain the said application and pass orders as per the guidelines given by the Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai vs. State of Gujarat**, reported in **(2002) 10 SCC 290**, within a period of two weeks thereafter.

7. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Deputy Registrar (LA&M)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa/vsm

NOTE: 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.

To

1. The Sub Inspector of Police
Sendhamaram Police Station
Tirunelveli District
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P (MD) No.6925 of 2020
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