



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2020

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THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P. (MD) .No.6960 of 2020

WEB COPY

Parthasarathy

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Andipatti Police Station,
Theni District.
(Crime No.433 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to release the buses of the petitioner bearing Registration Nos.NL01B1408 and NL01B1409 within the stipulated time fixed by this Court.

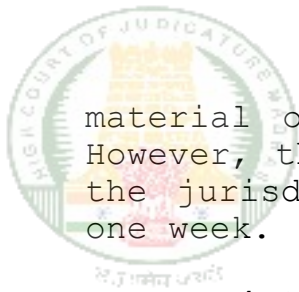
For Petitioner	: Mr.B.Janarth Kumar
For Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor

O R D E R

This petition has been filed for the relief of direction, directing the respondent to release the buses of the petitioner bearing Registering Nos.NL01B1408 and NL01B1409, within the stipulated time as fixed by this Court.

2.The learned counsel appearing for the petitioner would submit that the respondent police without considering the actual occurrence happened earlier, based on the false complaint given by the Thasildhar, without any enquiry registered the case in Crime No.433 of 2020 for the offences under Sections 269, 271, 465, 468, 471, 484 and 420 IPC r/w Section 3 of the Epidemic Act and Section 51 of Disaster Management Act. As of now, during the time of investigation, the buses bearing Registration Nos.NL01B1408 and NL01B1409 are recovered by the respondent police and kept in the Police Station, without any safety and security. Hence, it is necessary to direct the respondent police to produce the buses and hand over the same to the petitioner, since the petitioner is the owner of the said buses.

3.The learned Additional Public Prosecutor appearing for the respondent would submit that during the time of occurrence, the buses now alleged to be recovered, ran with false records and was carrying the passengers without any e-pass. Only because of the said reason, a case has been registered and the buses, which are the



material objects, were recovered and kept in the Police Station. However, the respondent police is ready to produce the buses before the jurisdictional Judicial Magistrate's Court within a period of one week.

4.Considering the submissions made by either side, whether the buses alleged to be involved in the Crime No.433 of 2020, were actually involved or not, it has to be decided only at the time of trial, but not at this stage. However, since the value of each buses are nearly Rs.75,00,000/- lakhs, if it is kept in the police station, there may be a chance for damage.

5.Hence, in view of the submission made by the learned Additional Public Prosecutor, it would be appropriate to give some directions to the respondent police in respect of the prayer sought by the petitioner. The respondent police is directed to produce the petition mentioned buses before the jurisdictional Judicial Magistrate's Court ie., Judicial Magistrate Court, Andipatti, within a period of one week from the date of receipt of a copy of this order. On production of such vehicles, the petitioner is at liberty to file a petition for interim custody as provided under the Code of Criminal Procedure and thereafter the Presiding Officer of the said Court has to pass necessary order only on merits.

6.In view of the above, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CrI.Side)

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/ /2020

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate, Andipatti.
2. The Inspector of Police,
Andipatti Police Station, Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD) .No.6981 of 2020

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