



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P(MD)No.6873 of 2020

WEB COPY

Saravanakumar

:Petitioner/Owner of the
Vehicle/Accused No.1

Vs

The State represented by
The Inspector of Police
Sivagiri Police Station
Tirunelveli District
(Crime No.189 of 2020)

:Respondent/Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to set aside the order passed by the learned Judicial Magistrate, Sivagiri in un-numbered Cr.M.P.No. of 2020 dated 10.06.2020 and direct the learned Judicial Magistrate, Sivagiri to take on file and number the same.

For Petitioner

: Mr.P.Venkatesan

For Respondent

: Mr.K.K.Ramakrishnan

Additional Public Prosecutor

ORDER

This petition has been filed for a direction to set aside the order passed by the learned Judicial Magistrate, Sivagiri in un-numbered Cr.M.P.No. of 2020 dated 10.06.2020 and direct the learned Judicial Magistrate, Sivagiri to take on file and number the same.

2.The grievance of the petitioner is that the respondent police has seized his vehicle namely Toyota Etious GD bearing Registration No.TN-85D-8434 in Crime No.189 of 2020 for the offence under Sections 269, 271 I.P.C and Section 192(A) of Motor Vehicles Act 1988 and the said vehicle was also produced before the learned Judicial Magistrate, Sivagiri in P.R.No.86 of 2020 on 05.06.2020. Therefore, the petitioner filed a petition under Section 451 Cr.P.C before the learned Judicial Magistrate, Sivagiri, Tirunelveli District now Thenkasi District seeking to return his vehicle and the same was returned by the learned Magistrate on 10.06.2020 stating that there is no urgency in filing the petition during this lock down period. Aggrieved against the order passed by the learned Judicial Magistrate, Sivagiri, the petitioner is before this Court.

3.The learned Additional Public Prosecutor, on instructions, submits that the vehicle which was involved in the offence in Crime No.189 of 2019 has been produced before the learned Judicial Magistrate, Sivagiri and P.R.No.86 of 2020 has also been issued.



4. Heard, Mr.P.Venkatesan, learned counsel for the petitioner and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the State.

5. The Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai vs. State of Gujarat**, reported in **(2002) 10 SCC 290**, had issued a general direction to all Courts not to keep vehicles in the Court campus or Police Station and hand over interim custody of the vehicle to the person claiming them. Moreover, if the vehicle in question is kept without any use by exposing it to sun and rain, it would certainly lose its value. Hence, this Court directs the learned Judicial Magistrate, Sivagiri to entertain the application of the petitioner, number the same and pass orders as per the guidelines given by the Hon'ble Supreme Court in the above cited case, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (ADII)

// 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 Judicial Magistrate
Sivagiri
Tirunelveli District Now Tenkasi District.

2. The Inspector of Police
Sivagiri Police Station
Tirunelveli District
(Crime No.189 of 2020)

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

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