



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.08.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

CrI.O.P.[MD]No.8207 of 2020

Rajendran

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.(Crime No.489 of 2020)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order of return passed in Doc No.2035 of 2020 on the file of the learned Judicial Magistrate, Manapparai, dated 08.07.2020 and direct the learned Judicial Magistrate, Manapparai to take the case on file and decide the same in accordance with law in connection with the case in Crime No.489 of 2020.

For Petitioner	: Mr.J.Anandkumar
For Respondent	: Mr.S.Chandrasekar, Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking the relief to set aside the order of return passed in Doc No.2035 of 2020 on the file of the learned Judicial Magistrate, Manapparai, dated 08.07.2020.

2.Today, when the petition is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that due to COVID-19 pandemic, in the month of July-2020, the learned Judicial Magistrate, Manapparai, is not in a position to receive the case property and pass further orders on that aspect. In this regard, a letter has been sent by the learned Principal District Judge, Tiruchirappalli, in D.No.3980/2020/HC(A), dated 20.08.2020, wherein it had been stated that all the learned Judicial Magistrates in Trichy were instructed to invoke Section 457 of Cr.P.C to receive the petitions pertaining to the properties in the custody of the police and to pass necessary orders in accordance with law. He has specifically stated that in the above referred Crime No.489 of 2020 of Thuvarankurichi Police Station, the Judicial Magsitrate, Manapparai had returned another vehicle for interim custody by invoking Section 457 of Cr.P.C.

3.Therefore, the letter sent by the learned Principal District Judge, Tiruchirappalli, reveals the fact that as of now all the learned



Judicial Magistrates are directed to entertain the petition filed under Section 457 of Cr.P.C. Moreover after returning the vehicle in relate to the same case, refusing to entertain the petition filed by the petitioner, is unwarranted.

4.Hence, considering the facts and circumstances of the case, it would be appropriate to pass the following orders in a way to redress the grievance having by the petitioner:-

The petitioner is directed to reproduce the petition within a period of one week from the date of receipt of a copy of this order and thereafter, upon receipt of the same, the learned Judicial Magistrate, Manapparai, is directed to dispose the same within a period of one week only on merits in accordance with law.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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, Manapparai.
- 2.The Chief Judicial Magistrate, Trichy.
- 3.The Principal District Judge, Trichy.
- 4.The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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