



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.11380 of 2020

Duraipandian

... Petitioner

Vs

The Sub Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
(Crime No.247 of 2020)

... Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the Principal District Court, Tirunelveli to number and entertain the petition filed by the petitioner under Section 451 of Cr.P.C., seeking return of his unregistered trailer remanded in P.R.No.140 of 2020 without insisting him to produce ownership documents.

For Petitioner : Mr.P.R.Prithiviraj

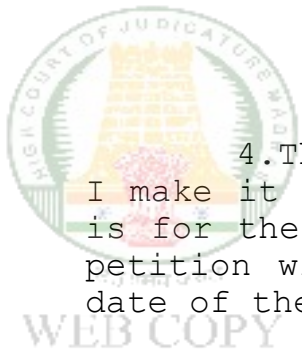
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

O R D E R

Heard the learned counsel on either side.

2.The petitioner's tractor bearing Registration No.TN-79-H-3539 along with trailer was seized in connection with Crime No.247 of 2020 registered on the file of the respondent. The vehicle was produced before the Court below. The petitioner applied for return of the vehicle . The petition was entertained in respect of the tractor but the Court below declined to entertain the petitioner's request for interim custody as far as the trailer is concerned. This was because the trailer did not bear any registration number and therefore, there was no ownership document. Hence, this criminal original petition has been filed before this Court.

3.The petitioner's counsel states that the trailer is a locally manufactured one. He firmly states that it is not a stolen vehicle. The petitioner is ready to file an affidavit to this effect before the Court below. There is no dispute that the trailer was seized only from the petitioner. Hence, there cannot be any objection for entertaining the petitioner's application for return of the trailer. Therefore, the Court below is directed to number the petitioner's application for interim custody of the trailer without insisting on ownership document.



4.The criminal original petition is allowed on these terms. I make it clear that I have not given any direction on merits. It is for the Court below to take a call in the matter. However, the petition will be disposed of within a period of ten days from the date of the receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-I)

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Sub Assistant Registrar(CS)

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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 Principal District Court, Tirunelveli.
- 2.The Sub Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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VB (02.11.2020) 2P 4C