



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.13117 of 2020

WEB COPY

Sardhar

... Petitioner

Vs.

The Forest Range Officer,
Ramanathapuarm Range,
Ramanathapuarm,
Ramanathapuarm District.
W.L.O.R.No.9 of 2019.

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate, Thiruvadanai, Ramanathapuarm District to number the petition filed under Section 457 Cr.P.C by the petitioner in W.L.O.R.No.9 of 2019 on the file of the respondent and to dispose of the same in accordance with law.

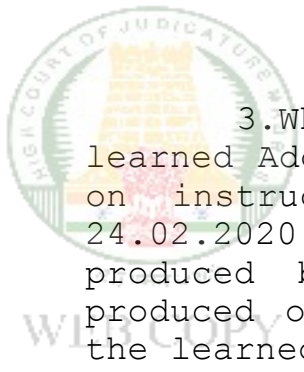
For Petitioner : Mr.N.Pragalathan

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

O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Thiruvadanai, Ramanathapuarm District to number the petition filed under Section 457 Cr.P.C by the petitioner in W.L.O.R.No.9 of 2019 on the file of the respondent and to dispose of the same in accordance with law.

2.According to the petitioner, he is the owner of the petition mentioned vehicle and the same was purchased by him on 02.03.2018. The respondent police while patrolling duty on 11.12.2019, they saw the petitioner in possession of 79 Kgs of Pipe fishes and 3 Kgs sea horses. Therefore, a case was registered in W.L.O.R.No.9 of 2019 for the offence punishable under Sections 9, 39(i)(a)(b)(d), 39(3) (a,b,c), 40(2), 50 and 51 of the Wild Life (Protection)Act, 1972, against the petitioner and his vehicle has also been seized. He further submitted that the said vehicle was not produced before the Judicial Magistrate Court, Thiruvadanai. Therefore, the petitioner filed a petition under Section 457 Cr.P.C to produce the vehicle. But, the petition was returned by stating that the petition is not maintainable. Aggrieved over the same, the petitioner filed this present



3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the return was made on 24.02.2020. At that point of time, the alleged vehicle was not produced before the Court below. Now, the vehicle has been produced on 01.09.2020 and P.R.No.93 of 2020 has been issued by the learned Judicial Magistrate, Thiruvadanai.

4. Heard the learned counsel on either side.

5. In view of the submission made by the learned Additional Public Prosecutor, since the vehicle has been produced before the Court below, the petitioner is directed to re-present his petition.

6. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

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 Forest Range Officer,
Ramanathapuram Range,
Ramanathapuram,
Ramanathapuram District.

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

Crl.O.P. (MD) No.13117 of 2020
20.11.2020

KG (CO)

KM (01.12.2020) 2P 3C