



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.02.2020

CORAM:

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**

Cr1.O.P. (MD) No.18886 of 2019

P.Subramani

: Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Prohibition of Enforcement Wing,
Thiruverumbur, Trichy District.
(In Crime No.241 of 2019)

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to send the First Information Report in Crime No.241 of 2019 on the file of the respondent police to the Judicial Magistrate No.V, Trichy and consequently to produce the two wheeler namely Hero Splendor Plus seized by the respondent police bearing Registration No.TN-48-AL-0646.

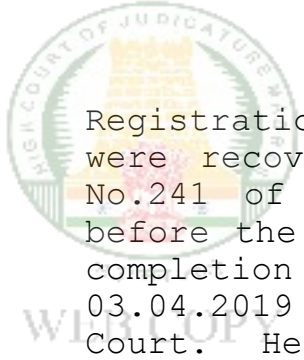
For Petitioner : Mr.V.Selva
For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor.

ORDER

This criminal original petition has been filed to direct the respondent to send the First Information Report in Crime No.241 of 2019 on the file of the respondent police to the Judicial Magistrate No.V, Trichy and consequently to produce the two wheeler namely Hero Splendor Plus seized by the respondent police bearing Registration No.TN-48-AL-0646.

2.The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the vehicle bearing Reg.No.TN-48-AL-0646. He would submit that the petitioner filed a petition under Section 457 Cr.P.C., on 11.04.2019 seeking to direct the respondent police to produce the vehicle before the Court and hand over the vehicle to the petitioner. However, the learned Judicial Magistrate No.V, Trichy had returned the petition stating that FIR has not been received and had directed the petitioner to file a petition before the proper Court.

3.The learned Additional Public Prosecutor appearing for the respondent would submit that the accused namely Sangili was found transporting illicit liquor in Hero Splendor Plus bearing



Registration No.TN-48-AL-0646 and 30 bottles having 180 ml alcohol were recovered from him. He would submit that a case in crime No.241 of 2019 was registered and he was arrested and produced before the Court and he was let out on bail. The respondent after completion of investigation filed final report, very next day on 03.04.2019 and that the final report is pending before the concerned Court. He would further submit that the respondent have initiated proceedings for confiscation of the vehicle and it is pending before the appropriate authority.

4.It is seen that only based on FIR in crime No.241 of 2019, the accused had been arrested and later granted bail and there is no reason for the learned Judicial Magistrate No.V, Trichy to return the petition stating that FIR is not received.

5.Hence, the petitioner is directed to re-present the petition. The learned Judicial Magistrate No.V, Trichy shall take the petition on file and pass orders in accordance with law. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar ()

// True Copy //

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Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate No.V, Trichy.

2.The Inspector of Police,
Prohibition of Enforcement Wing,
Thiruverumbur, Trichy District.

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

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-4720[F] dated 04/02/2020)

Cr1.O.P.(MD)No.18886 of 2019
03.02.2020

gns

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