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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18102 of 2021

Sudhan Palanisamy,
S/o. Palanisamy

...Petitioner

Versus

State of Tamil Nadu,
rep. by The Inspector of Police,
Salem City, Central Crime Branch,
Ammamet Town Police Station Road,
Ammamet, Salem-636 004.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to return back the vehicle (i.e.) Honda City bearing Registration No.TN-39 AS 3777 and Mahindra Scorpio bearing Registration No. TN-99 E-9293 to the petitioner, in pursuance of the order dated 06.10.2020 passed by the Judicial Magistrate II, Salem in C.M.P. No.1825 of 2020.

For Petitioner : Ms. Lulu Mariam. M

For Respondent : Mr.R.Vinothraja,
Govt. Advocate (Cr1.side)

ORDER

(This case has been heard through video conference)

The petitioner filed this petition seeking a direction directing the respondent police to return the vehicle viz., Honda City bearing Registration No.TN-39 AS 3777 and Mahindra Scorpio bearing Registration No. TN-99 E-9293 to the petitioner in pursuant to the order of learned Judicial Magistrate No.II, Salem dated 06.10.2020.



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2. The contention of the petitioner is that he filed the petition for return of property before the learned Judicial Magistrate No.II, Salem in C.M.P.No.1825 of 2020 and by an order dated 06.10.2020, the learned Judicial Magistrate ordered to return the case property with certain conditions. The petitioner complied the conditions and intimation also sent to the respondent police. The respondent police, even thereafter, failed to return the vehicle, on the other hand, threatening the petitioner. Hence, the petitioner filed the above petition.

3. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioner, not produced any order to the respondent police and intimation was received from the court on 02.11.2020. If the petitioner approaches the respondent police, the vehicle will be handed over to him. Without approaching respondent police, the petitioner filed this petition.

4. The learned counsel for petitioner would submit that the petitioner approached the respondent police several times and requested to return vehicle, but the respondent police are evasive for the reasons best known to them.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing on behalf of the respondent police.

6. Finding that the lower court already directed to return the case property and further, sureties executed and intimation also received by the respondent police, which are not denied. In view of the same, the respondent police is directed to hand over the vehicle viz., Honda City bearing Registration No.TN-39 AS 3777 and Mahindra Scorpio bearing Registration No. TN-99 E-9293 to the petitioner forthwith.

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

Sd/-

Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

rpp



1.The Inspector of Police,
Salem City, Central Crime Branch,
Ammamet Town Police Station Road,
Ammamet, Salem-636 004.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.V.Pravin Rathinam, Advocate SR.No.52725

CRL.O.P.No.18102 of 2021

RSV(CO)
RVM(22/10/2021)