

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8286 of 2021

Inthirani

... Petitioner

Vs.

1.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2.The Inspector of police,
Dharmapuri Police Station,
Dharmapuri District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to pass an order of DIRECTION, directing the 2nd Respondent to produce the vehicle bearing the Registration No.TN29 AJ 3516(Auto) with original RC Book and one two wheeler bearing the Registration No.KA 05 HN 775 (Pulsar) to the Jurisdictional Judicial Magistrate Court No.1 in Crime No.2511 of 2020 on the file of the 2nd respondent within a stipulated time.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

(Through Video Conferencing)

This Criminal Original Petition has been filed seeking to direct the 2nd Respondent to produce the vehicle bearing the Registration No.TN29 AJ 3516(Auto) with original RC Book and one two wheeler bearing the Registration No.KA 05 HN 775 (Pulsar) to the Jurisdictional Judicial Magistrate Court No.1 in Crime No.2511 of 2020 on the file of the 2nd respondent within a stipulated time.

2.The contention of the petitioner is that the petitioner was doing an agricultural work and her husband was working as a

driver. The petitioner had purchased an Auto bearing Registration No.TN 29 AJ 3516. On 11.12.2020, the petitioner's husband take the auto for work while he was crossing the flyover at Madikonpalayam to Morappur main road at that time one person viz., Raman, who was travelling in his auto in a drunken stage was fell down and died. Due to which, the respondent police registered a case in Crime No.2511 of 2021 under Section 174 Cr.P.C., and seized the auto and the original R.C.Book and one PULSUR two wheeler also bearing Registration No.KA 05 HN 775 and now the seized vehicles are in the custody of the 2nd respondent police. The petitioner has also sent a representation in this regard before the Deputy Commissioner of Police, Salem on 30.03.2021. Since no action was taken, the present petition came to be filed to return the seized vehicle.

3.As per Section 457 of the Code of Criminal Procedure, 1973 the petitioner can file a petition before the Court below seeking return of property even though the property has not been produced to the Crime Number before the lower Court.

4.In view of the above, the petitioner is directed to file a petition under Section 457 Cr.P.C., before the Lower Court seeking return of property.

5.The Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssi

To

1.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

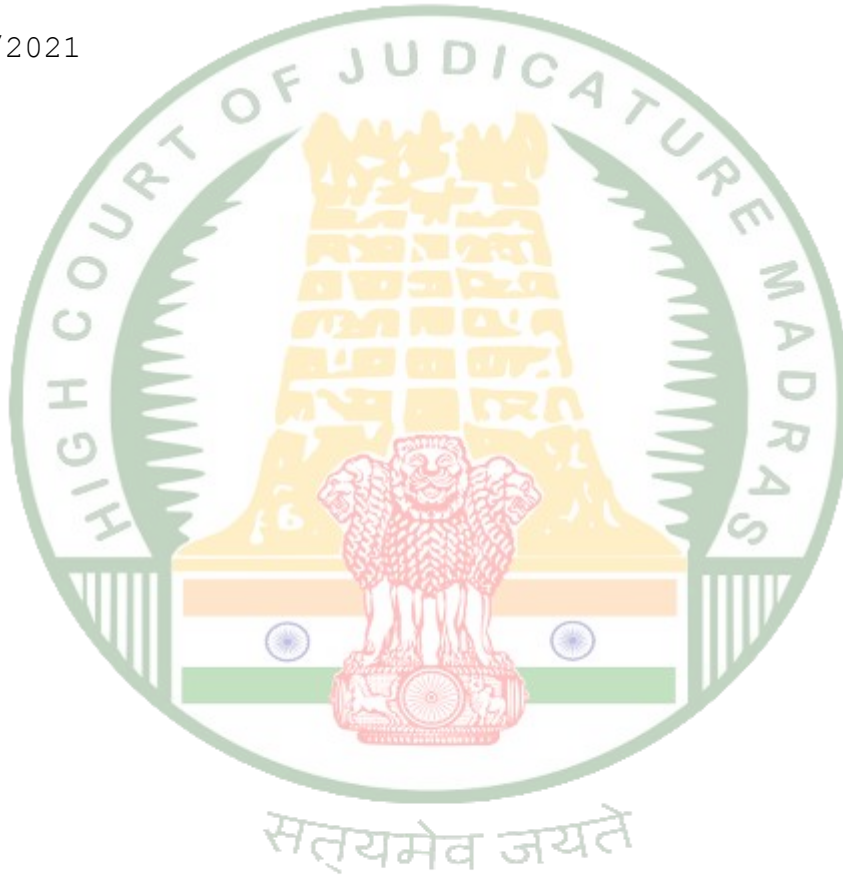
2.The Inspector of police,
Dharmapuri Police Station,
Dharmapuri District.

3.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.C.Prabakaran, Advocate Sr.26896

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srg 12/07/2021



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