

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2021

CORAM

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.16289 of 2020

Veeran,
S/o.Subramani.

... Petitioner.

Vs.

State Rep. By
The Inspector of Police,
CBCID – Tiruppur Police Station,
Tiruppur District.
(Crime No.92 of 2020)

... Respondent.

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the order dated 27.08.2020 passed in CrI.M.P.No.923 of 2020 on the file of the Judicial Magistrate No.II, Tiruppur and order return of vehicle TATA ACE bearing Regn.No.TNM-28-AD-1423 involved in Crime No.92 of 2020 on the file of the respondent Police.

For Petitioner : Mr.S.Kaithamalai Kumaran.

For Respondents : Mr.C.Raghavan
Government Advocate (CrI.side)

ORDER

This petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner seeking for return of vehicle involved in Crime No.92 of 2020.

2.The respondent Police had registered an F.I.R. in Crime No.92 of 2020 for offences under the Essential Commodities Act, 1955 and an order was passed under the Act. The vehicle belonging to the petitioner was seized during the course of investigation and the same was reported to the Court below. The petitioner filed an application seeking for return of vehicle. This application has been dismissed by the Court below on the ground that steps have been taken to initiate confiscation proceedings and therefore the vehicle cannot be returned to the petitioner. Aggrieved by the same, the present petition has been filed before this Court.

3.The learned Government Advocate, based on the counter affidavit filed by the respondent Police submitted that till date the confiscation have not been initiated and the vehicle continues to be in the

possession of the respondent Police.

4.Taking into consideration the facts and circumstances of the case and also of the fact that the vehicle continues to be in the possession of the respondent Police from 08.07.2020 and no confiscation proceedings have been initiated till date, there shall be a direction to the Court below to pass appropriate orders releasing the vehicle to the petitioner by imposing necessary conditions.

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

06.01.2021

Note: Upload order copy by 07.01.2021.

Speaking order/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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N.ANAND VENKATESH, J.,

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To

1. The Inspector of Police,
CBCID – Tiruppur Police Station,
Tiruppur District.
(Crime No.92 of 2020)
2. The Public Prosecutor,
High Court, Madras.



CrI.O.P.No.16289 of 2020

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