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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17720 of 2021

Backiyaraj

....Petitioner

Vs.

The State Rep.by
The Inspector of Police
Vaipoor Police Station
Thiruvarur District
(Crime No.262/2020)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Principal District Court, Thiruvarur to taken on the file in Crl.M.P.S.R.No.4794 of 2021 dated 04.08.2021 and disposal on merits.

For Petitioner : Mr.P.Muthamizh Selvakumar

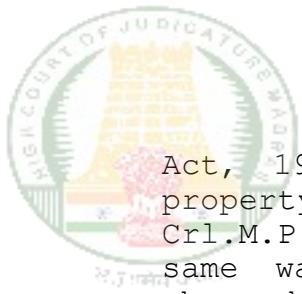
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to direct the learned Principal District Court, Thiruvarur to take the petition in Crl.M.P.S.R.No.4794 of 2021 dated 04.08.2021 on file and dispose of the same on merits.

2. The petitioner filed a petition before the Lower Court under Section 451 Cr.P.C., seeking return of his JCB vehicle bearing Reg.No.TB-N-76-AB-3714 on 23.07.2021. The Lower Court on 04.08.2021 returned the petition without considering the same on merits, against which, the present petition.

3. The contention of the petitioner is that he is arrayed as A3 in Crime No.262 of 2020 for the offence under Sections 379 IPC and 21(1) of the Mines & Minerals (Development & Regulation)



Act, 1957 and he filed the present petition for return of property. The petitioner had earlier filed a petition in Crl.M.P.No.134 of 2021 seeking return of his JCB vehicle and the same was dismissed for the reason that the petitioner was absconding. Later, the petitioner surrendered before the respondent Police and station bail was granted and thereafter, the present petition in Crl.M.P.SR.No.4794 of 2021 was filed. The Lower Court had returned the petition stating that either the bail particulars of the petitioner or the copy of the same was not produced. It is further stated that for similar prayer, Crl.M.P.No.134 of 2021 filed by the petitioner was already dismissed on 05.03.2021.

4. Later the petitioner re-presented the petition and appeared before the Lower Court and made a submission explaining that the petitioner was arrested and later granted station bail. Since there is a change of circumstances, the present petition may be entertained. Despite the same, without passing any orders on merits, the Lower Court has returned the petition, which is not proper.

5. The learned Additional Public Prosecutor has submitted that the petitioner/A3 was arrested on 07.05.2020 and granted station bail on the same day. The petitioner also executed the sureties.

6. Considering the same and perused the materials, it is seen that the petitioner was arrested and on the same day station bail was granted. Further, the petitioner is the owner of the vehicle. In view of the same, the Principal District Court, Thiruvarur shall entertain the petition of the petitioner and pass appropriate orders on merits.

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

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Principal District Judge,
Thiruvarur.



2. The Inspector of Police
Vaipoor Police Station
Thiruvarur District
(Crime No.262/2020)

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3. The Public Prosecutor
High Court, Madras.

CRL.O.P.No.17720 of 2021

EV (CO)
RGA (13/10/2021)