



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.20289 of 2021

Chandrappa

... Petitioner

Versus

State: The Sub Inspector of Police,
PEW, Hosur,
Krishnagiri District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate No.II, Hosur to taken on file the above petition in Crl.M.P.Sr.No.2775 of 2021 in e filing No.EC-TNKIOF-00041-2021 dated 17.10.2021 in Crime No.731 of 2021 on the file of the respondent police and number this case.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.R.Vinothraja
Government Advocate [Crl. Side]

O R D E R

This petition has been filed to direct the learned Judicial Magistrate No.II, Hosur to taken on file the above petition in Crl.M.P.Sr.No.2775 of 2021 in e filing No.EC-TNKIOF-00041-2021 dated 17.10.2021 in Crime No.731 of 2021 on the file of the respondent police and number this case.

2.The petitioner is the owner of Toyota Fortuner car bearing Registration No. KA-03-MW-6489 had filed a petition seeking return of property under Section 457 of Cr.P.C. On 18.10.2021, the Lower Court had returned the said petition with the above endorsement "This petition not applicable. Hence this petition returned.", against which the present petition is filed.



3.The contention of the petitioner is that the petitioner's vehicle Toyota Fortuner bearing Registration No. KA-03-MW-6489 was involved in Crime No.731 of 2021, for offence under Section 4(1)(a) of the Tamil Nadu Prohibition Act. The Sub Inspector of Police, SIPCOT Police Station had registered a complaint. The case is that during the routine vehicle check, the said vehicle was found driven by one Sharath, in which he had kept 12 bottles of Budweiser Premium King of beers 650 ml each and 12 bottles of King Fisher UB Export Premium larger beer 650 ml each, totally 24 bottles of beer was found transported in the vehicle and the vehicle was seized. In the FIR, the seizure of vehicle had been clearly mentioned, despite the same, the Lower Court had returned the petition, which is not proper.

4.On perusal of the FIR, it is seen that the Toyota Fortuner car bearing Registration No.KA-03-MW-6489 seized by the respondent police is recorded and the vehicle is involved in Crime No.731 of 2021 for offence under Section 4(1)(a) of the Tamil Nadu Prohibition Act. In view of the same, the petitioner being the owner of the vehicle seeking to file a petition for return of property before the Judicial Magistrate No.II, Hosur, under Section 457 Cr.P.C. is proper. The same cannot be returned. The reason given by the learned Judicial Magistrate No.II, Hosur is not proper. In view of the same, this Court directs the petitioner to resubmit the petition in CrI.M.P.Sr.No.2775 of 2021, for return of property. Thereafter, the learned Judicial Magistrate No.II, Hosure is directed to issue notice to the respondent police and pass appropriate orders on merits.

5.With the above directions, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

drm/ah

To

1. The Judicial Magistrate No.II,
Hosur.
2. The Sub Inspector of Police,
PEW, Hosur,
Krishnagiri District.



3. The Public Prosecutor,
High Court,
Madras.

Copy to:

1. The Chief Judicial Magistrate,
Krishnagiri.
2. The Section Officer,
Criminal Section,
High Court,
Madras - 104

CRL.O.P.No.20289 of 2021

GPM (CO)
A.SK. (08.11.2021)