



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.23391 OF 2021

1. Jaisankar

2. R.Muthupandi

... Petitioners

.Vs.

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

2. The Deputy Superintendent of Police,
Thiruvallur District,
Thiruvallur.

3. The Inspector of Police,
C-1 Uthukottai Police Station,
Thiruvallur District.

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 3rd respondent to handover the vehicle of the 2nd petitioner Bajaj Auto bearing Reg.No.TN 02 BQ 8308 by appreciating the above stated facts and circumstances.

For Petitioners : Mr.D.Lashmipathy

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to direct the 3rd respondent to handover the vehicle of the 2nd petitioner.

2. The grievance of the petitioner is that the petitioner's Auto Bajaj, bearing Registration No.TN 02 BQ 8308 has been



detained by the 3rd respondent. The petitioner's livelihood depends upon the hiring of the Auto, the Auto is detained pursuant to the case in Crime No.591 of 2021 for the offence under Sections 294(b), 323, 448, 506 (ii) IPC. The petitioner is not a named accused in the FIR. The vehicle was not produced before the concerned Court. Hence, he is unable to file a return of property petition. For that reason, the petitioner has approached this Court directly.

3. The learned Public Prosecutor submitted that the Auto bearing Registration No. TN 02 BQ 8303 involved in Crime No.591 of 2021 was seized by the 3rd respondent on 14.11.2021 in the presence of two independent witnesses and the seizure has been intimated to the Judicial Magistrate, Uthukottai. In fact, in the FIR. The Auto is mentioned as case property. The petitioner to approach the concerned Magistrate Court, to seek the return of property.

4. This court finds that the petitioner's auto, has been seized by way of Mahazar in Crime No.591 of 2021. The petitioner has to file return of property petition under Section 451 Cr.P.C., if not, produced to the lower Court under Section 457 Cr.P.C. Since the vehicle was seized by way of Mahazar and considering that the auto is the case property, the petitioner is directed to file a petition as directed above for return of property before the concerned Magistrate, who in turn shall consider the same and pass orders within a period of two weeks from the date of receipt of filing of said petition. The petitioner livelihood depends on hiring of Auto.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsn

To

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



2. The Deputy Superintendent of Police,
Thiruvallur District,
Thiruvallur.

3. The Inspector of Police,
C-1 Uthukottai Police Station,
Thiruvallur District.

4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.23391 OF 2021

SRA (CO)
PBS/10/01/2022