



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.01.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE **R. HEMALATHA**
Crl.O.P.(MD)No.1087 of 2021

WEB COPY

G.Rajendran

... Petitioner/Accused No.1
Vs.

State Rep. by,
Sub-Inspector of Police,
Malli Police Station,
Virudhunagar District.
In Crime No.136 of 2019.

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to direct the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur to take the petition on file, filed under Sections 451 and 457 of the Code of Criminal Procedure.

For Petitioner : Mr.M.Jothibasus

For Respondent : Mr.A.Robinson

Government Advocate (Criminal side)

ORDER

The present petition is filed by the petitioner seeking for a direction to the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, to take the Criminal Miscellaneous Petition on file which was filed by him under Sections 451 and 457 of Code of Criminal Procedure in Crime No.136 of 2019 of Malli Police Station, Virudhunagar District.

2.The main contention of the petitioner is that a case was registered by the Sub Inspector of Police, Malli Police Station, Virudhunagar District in Crime No.136 of 2019 against the petitioner for the alleged offences punishable under Section 379 of Indian Penal Code read with Sections 21(5) and 23 of Mines and Minerals (Development and Regulation) Act, 1957 and that the Tractor and Trailer were also seized from him. His further contention is that the Principal District and Sessions Judge, Virudhunagar District returned only the Tractor to the petitioner and not the Trailer. Therefore, the petitioner filed a separate petition under Sections 451 and 457 of Code of Criminal Procedure seeking for release of the Trailer. However, the said petition was returned by the learned Principal District and Sessions Judge with an endorsement that the petitioner should file Registration Certificate for Trailer in the name of the petitioner. According to the learned counsel for the petitioner, though he filed a copy of an agreement between him and the erstwhile owner of the Trailer, the learned Principal District and Sessions Judge, Virudhunagar returned the petition without



considering the same.

3.A perusal of a copy of the petition filed before the Principal District Judge, Virudunagar shows that the petitioner did not implead the erstwhile owner of the Trailer as a party to the proceedings, in whose name the Registration Certificate of Trailer stands.

4.In the facts and circumstances, the petitioner is directed to make the erstwhile owner of the Trailer as a party to the proceedings and re-present the petition before the Principal District and Sessions Judge and on such re-representation, the Principal District and Sessions Judge shall pass appropriate orders on merits and in accordance with law, after giving notice to the erstwhile owner of the Trailer bearing Registration No.TN-72-W-1984, within a period of four weeks from the date of re-representation of the said petition.

5.With the above observation, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.

2.The Sub-Inspector of Police,
Malli Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-2299[F] dated
29/01/2021)

Crl.O.P. (MD)No.1087 of 2021

SSS (CO)

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