



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2021

CORAM :

THE HONOURABLE Mrs. JUSTICE R.THARANI

Cr1.O.P.(MD)No.3625 of 2021

M.V.Srinivasamoorthy

...Petitioner/Petitioner/
Petitioner

Vs.

The Inspector of Police,
Vangal Police Station,
Crime No.52/2019.

...Respondent/Respondent/
Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order passed in Cr1.R.C.No.29 of 2019 on the file of the Sessions Judge, Karur dated 31.07.2020 and the order passed in C.M.P.No.3423 of 2019 dated 24.06.2019 on the file of the Judicial Magistrate No.2, Karur and consequently to direct the Judicial Magistrate No.2, Karur, to return the 48 sewing machines with 10 stools along with other accessories to the petitioner which are kept under the custody in R.P.No.498 of 2019 on the file of the Judicial Magistrate No.2, Karur.

For Petitioner : Mr.P.Athimoolapandian

For Respondent : Mr.S.Chandrasekar

Additional Public Prosecutor

ORDER

The petitioner has filed the present petition under Section 482 Cr.P.C praying to set aside the order passed in Cr1.R.C.No.29 of 2019 on the file of the Sessions Judge, Karur dated 31.07.2020 and the order passed in C.M.P.No.3423 of 2019 dated 24.06.2019 on the file of the Judicial Magistrate No.2, Karur and consequently to direct the Judicial Magistrate No.2, Karur, to return the 48 sewing machines with 10 stools along with other accessories to the petitioner, which are kept under the custody in R.P.No.498 of 2019 on the file of the Judicial Magistrate No.2, Karur.

2.On the side of the petitioner, it is stated that the petitioner is the owner of the Sewing Machines and he gave the machines for rent to the accused and the accused without the knowledge of the petitioner, sold the property to one Jeyakumar and the machines were recovered from one Jeyakumar and prayed for the return of the Machinery.

3.On the side of the respondent, it is stated that both the accused and the said Jeyakumar were not impleaded as parties to the



return of the property petition and that the properties are necessary for identification in the case and prayed the petition to be dismissed.

4.A perusal of the lower Court records reveals that the accused has filed a petition in Cr.M.P.No.3511 of 2019 before the Judicial Magistrate No.2, Karur, for the return of the very same property. Since there is a counter claim, the ownership of the property cannot be decided in this petition. The ownership of the property can be decided after the completion of the trial. It is seen that both the accused and the said Jeyakumar were not impleaded as parties in the return of the property petition. Hence, the petitioner is given liberty to file a fresh petition impleading the accused and Jeyakumar before the lower Court.

5.With the above observation, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

LS

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 Sessions Judge, Karur.
- 2.The Judicial Magistrate No.II, Karur.
- 3.The Inspector of Police,
Vangal Police Station.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

**Order made in
Crl.O.P. (MD)No.3625 of 2021
09.03.2021**

TP (CO)

SRS (16/03/2021) 2P : 5C

<https://hcservices.ecourts.gov.in/hcservices/>