



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

Crl.O.P. (MD)No.4667 of 2021

R.Manojkumar

... Petitioner

Vs.

The State Rep. by
The Sub Inspector of Police,
Mandapam Police Station,
Mandapam,
Ramanathapuram District.
(Cr.No.175 of 2019)

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate, Rameshwaram to number the petition in Cr.M.P.No.Nil of 2021 and dispose the same on merits within a time frame.

For Petitioner

: Mr.T.Veerakumar

For Respondent

: Mr.R.M.Anbunithi

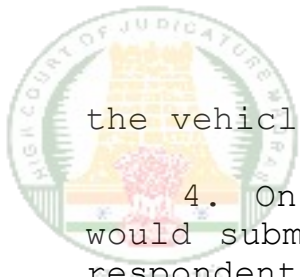
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the learned Judicial Magistrate, Rameshwaram District to number the petition filed by the petitioner, under Sections 451/457 of the Code of Criminal Procedure, seeking return of vehicle bearing Registration No. TN 64 L 2432, which was seized in Crime No.175 of 2019 for the offences punishable under Sections 279 and 337 of IPC.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that eventhough the vehicle has been seized in Crime No.175 of 2019, it was not produced before the Judicial Magistrate, Rameshwaram and seeking return of property, he has filed the above said petition and the same was returned with an endorsement that 'the petition is not maintainable before this Court'. According to him, the reason for the non-maintainability of the petition is not mentioned by the learned Magistrate.

3. The learned Additional Public Prosecutor would submit that the documents related to the vehicle are not available with the respondent Police and hence, they are not in a position to send



the vehicle for Motor Vehicle Inspection.

4. On the contrary, the learned counsel for the petitioner would submit that all the documents are available with the first respondent Police.

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5. When the documents are available with respondent Police, there is no question of stating that the documents are not available with them. In any event, the petitioner is directed to submit a fresh copy of the documents relating to the vehicle, to the respondent Police and on receipt of the copy of the documents, the respondent is directed to produce the same before the Motor Vehicle Inspector and after inspection is over, the vehicle shall be produced before the Judicial Magistrate, Rameshwaram, enclosing all the documents. The concerned Judicial Magistrate is directed to number the petition he has re-presented and dispose of the petition for return of vehicle within a period of one week thereafter.

6. With these directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mbi

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 Judicial Magistrate,
Rameshwaram.

2.The Sub Inspector of Police,
Mandpam Police Station,
Mandapam,
Ramanathapuram District.



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

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AS (06.07.2021) 3P 4C