



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G. ILANGO VAN**

W.P. (MD) No. 8325 of 2021

Umesh

...Petitioner

/Vs./

1.The Inspector of Police,
CSCID,
Madurai.

2.The Inspector of Police,
CSCID,
Tirunelveli,
Tirunelveli District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents to release the petitioner's (three Wheeler) PIAGGIO APE XTRA- bearing Registration No.TN 75 E o426 seized by the second respondent police in connection with crime No.59 of 2021, dated 26.03.2021 on the basis of the petitioner's representation dated 16.04.2021.

For Petitioner : Mr.S.Sundarapandian

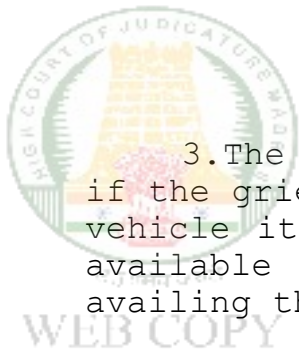
For Respondents : Mr.R.Srinivasan

Government Advocate (Criminal Side)

ORDER

This Writ Petition has been filed seeking a direction to the respondents to release the petitioner's vehicle bearing Registration No.TN 75 E o426 seized by the second respondent police in connection with crime No.59 of 2021, dated 26.03.2021 on the basis of the petitioner's representation dated 16.04.2021.

2.The learned counsel for the petitioner submits that the vehicle belongs to the petitioner involved in the alleged occurrence and it was seized by the second respondent in connection with crime No.59 of 2021. The said vehicle was not involved in the occurrence and the petitioner plied the vehicle only for commercial and agricultural purpose. Now the vehicle is under the custody of the second respondent and it was not produced before the concerned Court.



3.The learned Government Advocate(crl.side) would submit that if the grievance of the petitioner is that inspite of seizure of the vehicle it was not produced before the concerned Court, the remedy available to him is only under Section 457 of Cr.P.C, but without availing that remedy, the petitioner approached this Court.

4.Considering the facts and circumstances of the case, the remedy available to the petitioner is only under Section 457 of Cr.P.C. Therefore, the petitioner is at liberty to approach the concerned Court under Section 457 of Cr.P.C., seeking proper relief.

5.With the above liberty, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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 Inspector of Police,
CSCID,
Madurai.

2.The Inspector of Police,
CSCID,
Tirunelveli,
Tirunelveli District.

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