



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G. ILANGO VAN**
Crl.O.P.(MD)No.7817 of 2021

WEB COPY

Elizadarving Das
Petitioner

...

Vs.

The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
(Crime No.16 of 2021)

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate No.I, Kuzhithurai, to number the petitioner case bearing filing number 2915 dated 19.04.2021.

For Petitioner	: Mr.B.Arunprasanth
For Respondent	: Mr.R.M.Anbunithi Additional Public Prosecutor

ORDER

This petition has been filed seeking a direction to the learned Judicial Magistrate No.I, Kuzhithurai, to number the petition filed by the petitioner, under Section 451 of Cr.P.C., seeking interim custody of the property that was demanded in R.P.No.278 of 2021 before the learned Judicial Magistrate No.I, Kuzhithurai.

2.When the matter came up for hearing, learned counsel for the petitioner would submit that a case in Crime No.16 of 2021 punishable under Section 379 of IPC was registered against the petitioner and other persons and the petition seeking interim custody of the property was returned by the Court below stating that as per the FIR, there was an illegal transport of rock stones and therefore, the petition is not maintainable.

3.Whether the petition is maintainable or not is a question of judicial discretion, which can be decided, after numbering the petition and hearing the parties on merits. Without numbering the petition, return made by the learned Magistrate is not proper. Hence, there shall be a direction to the learned Judicial Magistrate No.I, Kuzhithurai, to number the petition filed by the petitioner and decide it on merits, after giving opportunity to both sides, of fifteen days from the date of of resumption of



regular work in subordinate Courts in view of the present pandemic situation.

4. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note to Registry: Registry is directed to return the original petition presented before the Court along with this petition.

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,
No.1,
Kulithalai.
2. The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

copy to:

1. The section officer,
VR section,
Madurai Bench of Madras court,
Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-19468[F] dated 17/06/2021)

Crl.O.P.[MD]No.7817 of 2021
16.06.2021

GS (23.06.2021) 2P 6C