



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.06.2021**

CORAM:

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

W.P. (MD)No.10397 of 2021

S.Premkumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Rajathani Police Station,
Theni District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents to release the petitioner's vehicle namely Hyundai Creta Car bearing it's Registration No.TN 11 AQ 4450 forthwith.

For Petitioner : Mr.R.Anand

For Respondents : Mr.R.M.Anbunithi

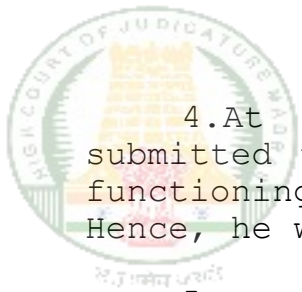
Additional Public Prosecutor(Crl. Side)

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to release the petitioner's vehicle namely Hyundai Creta Car bearing it's Registration No.TN 11 AQ 4450 forthwith.

2.The case of the petitioner is that the petitioner is the owner of the vehicle bearing registration No.TN 11 AQ 450 and his vehicle is falsely implicated in the case in Crime No.156/2021 for the offence under Section 41 (a) and 41(k) of Tamil Nadu Prohibition Act and 269 of IPC. The petitioner is not an accused before the first respondent herein and the vehicle has been seized only during the course of investigation in the aforesaid case and now, it is kept in the custody of the first respondent. So, due to pandemic situation, the Subordinate Court remains closed and he is not in a position to approach the concerned Court either Section 451 of Cr.P.C or Section 457 of Cr.P.C. Hence, this petition before this Court.

3.Today, when the matter is taken up for hearing, a copy of the Form No.91 has been produced by the learned Additional Public Prosecutor to show that the car of the petitioner has been produced before the learned Judicial Magistrate, Andipatti, Theni District, on 08.06.2021. So, the petitioner has to approach the concerned Court under the provision of law seeking the release of the vehicle for interim custody.



4.At this juncture, the learned counsel for the petitioner submitted that due to pandemic situation, the trial Court is not functioning and only they are entertaining the urgent matters. Hence, he wants a direction to be issued to the concerned Court.

5.Considering his request, the petitioner is directed to file a appropriate petition before the learned Judicial Magsitrate, Andipatti, Theni District, within a period of three days from today and on receipt of the same, the learned Judicial Magistrate, Andipatti, Theni District, is directed to pass appropriate orders within one week thereafter.

6.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Andipatti, Theni District
2. The Inspector of Police,
Rajathani Police Station, Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Registrar(Judicial),
Madurai Bench of Madras High Court, Madurai.

W.P.[MD]No.10397 of 2021
24.06.2021

cp
AE/SAR-IV/25.06.2021/2P/5C

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