



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

CORAM :

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

Crl.O.P.(MD)No.13802 of 2021

WEB COPY

Muthu

... Petitioner

Vs.

1. State rep by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(In Crime No:400 of 2021)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the learned Judicial Magistrate, Manamadurai, to strictly follow the procedures contemplated under Rule 57 of the Criminal Rules of Practice, 2019, for material objects (the sand) involved in the case separately in Crime No:400 of 2021 on the file learned Judicial Magistrate Court, Manamadurai and also based on the representation on 24.08.2021.

For Petitioner : Mr.R.Senthil Kumar

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

ORDER

This petition is filed to direct the learned Judicial Magistrate, Manamadurai, to strictly follow the procedures contemplated under Rule 57 of the Criminal Rules of Practice, 2019, for material objects (the sand) involved in the case separately in Crime No:400 of 2021 on the file learned Judicial Magistrate Court, Manamadurai and also based on the representation on 24.08.2021.

2. The grievance of the petitioner is that the sand which has been seized from the petitioner got mingled with other material objects and hence his case will be affected. On that ground, he seeks direction.

3.It appears that the petitioner has not approached the Magistrate Court with the relief. He has directly filed this petition, which is not proper. If the petitioner wants action to be taken under Rule 57 of the Criminal Rules of Practice, he has to approach the concerned Court.



4.The learned Government Advocate (Criminal Side) would submit that from the petitioner, no sand has been recovered or seized and only vehicle has been seized.

5.However, the learned counsel for the petitioner would submit that in the First Information Report, it is specifically mentioned that river sand has been transported by removing savudu sand. But, whatever may be, the article or property that has been recovered or seized from the petitioner, the petitioner has to approach the concerned Magistrate Court, before which, the matter is pending. So, no direction can be issued in this petition. The petitioner is directed to approach the concerned Court through appropriate proceedings by filing an application and on receipt of such application from the petitioner, the concerned Court shall consider the same on merits.

6.With the above direction, this Criminal Original petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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,
Manamadurai.
- 2.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD)No.13802 of 2021

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