



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.15568 of 2021

P.Balasubramanian

... Petitioner

Vs.

1.The Commissioner of Police  
Thirunelveli City,  
Thirunelveli.

2.The Inspector of Police,  
Thirunelveli Medical College Hospital,  
Police Station,  
Thirunelveli.

... Respondents

**PRAYER** : Criminal Original Petition is filed under Section 482 of Cr.P.C, directing the respondents herein to release the bus of the petitioner with the Registration No.TN 38 AS 9393 which is in the illegal custody of the second respondent.

|                 |                                                       |
|-----------------|-------------------------------------------------------|
| For Petitioner  | : Mr.Porkodi Karnan<br>For M/s.Polax Legal Solutions  |
| For Respondents | : Mr.R.M.S.Sethuraman<br>Additional Public Prosecutor |

### O R D E R

This petition has been filed seeking direction to the respondents herein to release the bus of the petitioner with the Registration No.TN 38 AS 9393 which is in the illegal custody of the second respondent.

2.The learned counsel for the petitioner submitted that a case has been registered against the driver of the vehicle bearing registration No.TN 38 AS 9393, which is illegally kept by the second respondent herein.

3.The learned counsel for the petitioner submitted that a case has been registered against the driver of the vehicle bearing the above said registration number in Crime No.96 of 2021 for the offences punishable under Sections 294 (b) and 506 (ii) IPC. But the above said vehicle is nowhere connected with the above said crime. But however, it is illegally seized and kept under custody.



4.The second respondent is the Investigating Officer in this matter is present before this Court and submitted that the property has been seized and handed over to the Judicial Magistrate No.I, Tirunelveli on 29.09.2021 and remanded in R.P.No.258 of 2021.

5.Since the property has been remanded before the concerned Magistrate Court, the petitioner can very well move the concerned Court for return of vehicle. But without moving the trial Court, it may not be proper to maintain this petition for release of vehicle from the custody of the trial Court. When the provisions available to the petitioner he has to workout his remedy in the manner known to law.

6.But however, the learned counsel for the petitioner submitted that even for returning of the vehicle, a direction may be issued to the concerned Judicial Magistrate to release the same without insisting upon production of surety. The grievance expressed by the counsel for the petitioner appears to be genuine.

7.There shall be a direction to the learned Judicial Magistrate No.I, Tirunelveli, to consider the petition of the petitioner for returning of his vehicle to him on proper petition without insisting any production of sureties.

8.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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,  
Tirunelveli.

2.The Commissioner of Police  
Thirunelveli City, Thirunelveli.



3.The Inspector of Police,  
Thirunelveli Medical College Hospital,  
Police Station,  
Thirunelveli.

WEB COPY

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

Crl.O.P.(MD)No.15568 of 2021

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\_RD/JC(29.10.2021) 3P 5C