



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM :

THE HONOURABLE **Mr.JUSTICE G.ILANGOVAN**

Crl.O.P.(MD)No.16553 of 2021

Vijayakumar

... Petitioner/Owner of the Vehicle/3rd Party

Vs.

State rep. By the
Inspector of Police,
Vilathikulam Police Station,
Vilathikulam,
Thoothukudi District.
(Crime No.311 of 2021)

... Respondent/Respondent/Complainant

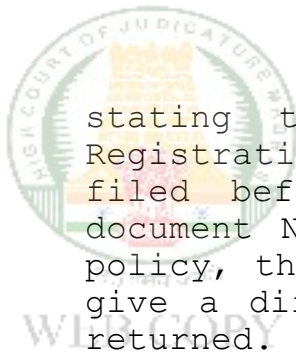
Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and set aside the returned endorsement dated 17.09.2021 passed in unnumbered Cr.M.P.No.... of 2021 on the file of the learned District Sessions Judge (Special Judge for Mines and Minerals Cases), Thoothukudi, Thoothukudi District, wherein, the petition filed under Section 451 r/w. 457 of Cr.P.C. came to be returned and consequently direct the learned District Sessions Judge (Special Judge for Mines and Mineral Cases), Thoothukudi, Thoothukudi District to taken on the file and number the petition and decide the same on merits.

For Petitioner	: Mr.K.Veilmuthu
For Respondents	: Mr.R.M.S.Sethuraman Additional Public Prosecutor

ORDER

This petition has been filed to set aside the returned endorsement dated 17.09.2021 passed in unnumbered Cr.M.P.No.... of 2021 on the file of the learned District Sessions Judge (Special Judge for Mines and Minerals Cases), Thoothukudi, Thoothukudi District, wherein, the petition filed under Section 451 r/w. 457 of Cr.P.C. came to be returned and consequently direct the learned District Sessions Judge (Special Judge for Mines and Mineral Cases), Thoothukudi, Thoothukudi District to taken on the file and number the petition and decide the same on merits.

2.A petition has been filed by the petitioner under Sections 451 and 457 of Cr.P.C., seeking return of vehicle that is involved in the Crime No.311 of 2021 on the file of the Vilathikulam Police Station, before the learned District and Sessions Judge (Special Judge for Mines and Minerals Cases), Thoothukudi. That petition came to be returned citing several defects. Again it was represented by rectifying the defects. Again it was returned



stating that Insured declared value to be obtained in the Registration Policy. Copy of the insurance policy has also been filed before the concerned Court along with the petition as document Nos. 3 and 5 and if there is any blank in the insurance policy, the trial Court can very well decide the same on merits and give a direction. In stead of doing that it has been repeatedly returned. It will not amount to a judicial order. So repeated return of the petition setting out one or other reason may not be proper.

3. There shall be a direction to the learned District and Sessions Judge (Special Judge for Mines and Minerals Cases), Thoothukudi, to take the petition filed by the petitioner on file and decide the same on merits within a period of fifteen days from the date of receipt of a copy of this order, by giving notice to concerned parties.

4. With the above direction, this criminal original petition is disposed of. Registry is directed to return the original petition that has been filed before this Court in the typed set of papers, enabling the petitioner to represent the same before the trial Court, after replacing the same with proper attested copies.

Sd/-

Assistant Registrar (Records)

// 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 District and Sessions Judge,
(Special Judge for Mines and Minerals Cases),
Thoothukudi.
2. The Inspector of Police,
Vilathikulam Police Station,
Vilathikulam,
Thoothukudi District.



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

Copy to

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

2.The Section Officer,
ER Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

3.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.VEILMUTHU, Advocate (SR-33071[F] dated 28/10/2021)

Crl.O.P. (MD)No.16553 of 2021
28.10.2021

VR(CO)

RS/JGB (17.11.2021) 3P 9C