



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2021

CORAM :

WEB COPY

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

Crl.O.P.(MD)No.16957 of 2021

Ranjith Kumar ... Petitioner/Petitioner/Owner
of the vehicle

Vs.

1.The State rep by
The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
(Crime No.21 of 2021)

2.The Revenue Divisional officer,
The Revenue Divisional Office,
Ramanathapuram.

3.The Assistant Director,
Geology and Mining Department,
Ramanathapuram.

4.The Tahsildar,
Tiruvadanai Taluk Office,
Tiruvadanai,
Ramanathapuram District.

...Respondents/Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records in relating to the impugned docket order dated 26.07.2021, made in Crl.M.P filing No.1514 of 2021, on the file of the learned District and Sessions Court, Ramanathapuram and to set aside the same as unsustainable and consequently to direct the first respondent to release the petitioner's vehicle namely, JCB, bearing registration No.TN 59 AT 4471 and its Chassis No.18099565SEP2011 and to handover the same to the petitioner forthwith within the period, stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondents : Mr.RMS Sethuraman
Additional Public Prosecutor



ORDER

This petition has been filed to set aside the return order that has been endorsed by the learned Principal District and Sessions Judge, Ramanathapuram in Crl.M.P filing No.1514 of 2021, dated 26.07.2021.

2.The petition came to be filed before the Special Court, Ramanathapuram, under Sections 457 & 451 of Cr.P.C, seeking return of vehicle that has been seized in Crime No.21 of 2021. That petition came to be returned on 26.07.2021, with endorsement that no objection from the Finance Company must be obtained. Necessity of obtaining such sort of No objection certificate from the Finance Company can be decided at the time of enquiry and such issue cannot be decided administratively by making return endorsement.

3. In view of the above, there shall be direction to the Principal District and Sessions Judge, Ramanathapuram to take the petition filed by the petitioner on file and pass necessary orders on merits, within one week from the date of receipt of a copy of this order.

4. With the above direction, the return endorsement made by the Principal District and Sessions Judge, Ramanathapuram is set aside and this Criminal Original Petition is allowed. Registry is directed to return the original petition to the petitioner's counsel, after due acknowledgment for enabling the petitioner to present the same before the concerned Court.

Sd/-

Assistant Registrar (AD II)

// 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 Principal District and Sessions Judge, Ramanathapuram

2. The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
(Crime No.21 of 2021)

3.The Revenue Divisional officer,
The Revenue Divisional Office,
Ramanathapuram.

4.The Assistant Director,
Geology and Mining Department,
Ramanathapuram.

5.The Tahsildar,
Tiruvadanai Taluk Office,
Tiruvadanai,
Ramanathapuram District.

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

Copy to:

The Section Officer,E.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-33482[F] dated
01/11/2021)

Crl.O.P. (MD)No.16957 of 2021
01.11.2021

MGJ/PM(18.11.2021) 3P 9C