



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.18100 of 2021

Periyasamy

... Petitioner/Sole Accused

Vs.

State Rep. by
The Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.
(Crime No.411 of 2021)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order dated 12.10.2021 passed by the Judicial Magistrate, Thuraiyur in unnumbered Cr.M.P.No. of 2021 in Crime No.411 of 2021 on the file of the respondent and direct the Judicial Magistrate, Thuraiyur to number the application and dispose of the same in accordance with law.

For Petitioner	: Mr.T.Lenin Kumar
For Respondent	: Mr.M.Veeranthiran Government Advocate

O R D E R

This Criminal Original Petition has been filed by the accused in Crime No.411 of 2021 registered on the file of the respondent.

2. It is a case of illicit lime stone quarrying. The respondent had seized the petitioner's tractor and trailer. The petitioner was also arrested and later released on bail. The petitioner had filed a petition under Section 457 r/w 451 of Cr.P.C for return of the seized tractor and trailer. The petitioner had mentioned the registration number as TN48E2457. But the said petition was returned by the court below by pointing out that the number given in the FIR is different. According to the petitioner, the number found in the FIR is incorrect.

3. The respondent police is present in person before me and through the learned Government Advocate, it is admitted that a tractor and a trailer were seized from the petitioner. It is the seized vehicles whose return is being sought for by the petitioner. Therefore, the court below erred in declining to number the petitioner's application. The court below shall number the petition filed by the petitioner and after hearing the respondent, dispose it



of on merits and in accordance with law. The final order will be passed within a period of 10 days after the papers are re-presented.

4. This Criminal Original Petition is disposed of accordingly.

WEB COPY

Sd/-

Assistant Registrar (A.E.,)

// True Copy //

/ /2021

Sub Assistant Registrar(CS II)

rmi

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,
THURAIYUR.

2.THE INSPECTOR OF POLICE,
UPPILIYAPURAM POLICE STATION, TRICHY DISTRICT.

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4.THE SECTION OFFICER,
ENGLISH RECORDS SECTION,
MADURAI BENCH OF MADRAS HIGHCOURT,
MADURAI.

(TO RETURN THE ORIGINAL PAPERS FILED BY THE PETITIONER)

1CC TO MR. T.LENIN KUMAR, ADVOCATE SR: 35300

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GC/SKN(23.11.2021) 2P 6C