



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.15456, 15461, 15471 & 15541 of 2021

Srinath

... Petitioner in all
Crl.O.Ps/Single Accused

Vs.

State rep by its,
The Inspector of Police,
Thakkolam Police Station,
Ranipet District.

... Respondent in all
Crl.O.Ps./Complainant

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, to direct the learned Principal District and Sessions Judge at Vellore District to accept the petitioner's petition filed under Section - 451 of Cr.P.C. in Crl.M.P.S.R.No.5694, 5705, 5708 & 5706 of 2021 on 26.07.2021.

For Petitioner in
all Crl.O.Ps. : Mr.D.Dayalan

For Respondent in
all Crl.O.Ps. : Mr.E.Raj Thilak
Additional Public Prosecutor

C O M M O N O R D E R

These Criminal Original Petitions have been filed to direct the Principal District and Sessions Judge, Vellore, to accept the petitioner's petition filed under Section 451 Cr.P.C., in Crl.M.P.S.R.Nos.5694, 5705, 5708 & 5706 of 2021, on 26.07.2021.

2. The grievance of the petitioner is that the petitioner who is involved in Crime Nos.259 & 260 of 2020 had filed petitions in Crl.M.P.S.R.Nos.5694, 5705, 5708 & 5706 of 2021, under Section 451 Cr.P.C., seeking return of his vehicle. The petitioner being the owner of the tipper lorry along with the registration certificate, Chassis Number and Engine Number filed



petitions before the Principal District and Sessions Judge, Vellore. Though the particulars had been received by Court, for reasons best known, the petitions were returned on 28.07.2021, with an endorsement that the bail order copy of the petitioner/accused to be filed. Thereafter, again it was re-presented and was returned on 03.08.2021, with an endorsement that the bail order obtained from competent Court to be filed. Hence, the petitioner prays for directing the Principal District and Sessions Judge, Vellore, to entertain the petitions filed on 26.07.2021, under Section 451 Cr.P.C. in Crl.M.P.S.R.No.5694, 5705, 5708 & 5706 of 2021 and dispose of the same on merits.

3.On a perusal of the materials, it is seen that the Inspector of police, Arakkonam, in his communication dated 30.07.2021 had informed the Judicial Magistrate, Arakonam, that Srinath S/o.Koteeswaran, Surya S/o.Baskar, Suresh S/o.Settu and Dhanapal S/o.Shanmugam who have been arrested on 11.07.2021, in Crime Nos.259 & 260 of 2020, were granted Station bail. Further, the lorry seized in the respective crime numbers had been produced before the Sub-Court, Arakonam and case property Nos.224 & 225 of 2021, dated 14.7.2021, assigned.

4.This Court finds that the returning of the petitions by the Principal District and Sessions Judge is unreasonable. The petitioner is the owner of the vehicle who is involved in crime Nos. 259 & 260 of 2020 had been produced by the Inspector of police, Arakkonam and case property case property Nos. 224 & 225 of 2021 has been assigned by the Judicial Magistrate, Arakkonam. Further, the petitioner is not an accused. On demur, even if the petitioner is an accused, then also the petitioner is not denied the right of filing the petitions seeking return of the vehicle. The petitions have to be decided on merits and not to be returned on the basis of technicalities, even the technical objections is not proper.

5.In view of the same, this Court directs the Principal District and Sessions Judge, Vellore, to take the Crl.M.P.S.R.Nos.5694, 5705, 5708 & 5706 of 2021 on file and dispose of the same on merits within a period of two weeks from the date of receipt of a copy of this order. Accordingly, these Criminal Original Petitions are disposed of.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

sli



To

1. The Principal District and Sessions Court,
Vellore.
2. The Inspector of Police,
Thakkolam Police Station,
Ranipet District.
3. The Public Prosecutor,
High Court, Madras.

+4ccs to Mr.D.Dayalan, Advocate, S.R.Nos.7189 to 7192

Crl.O.P.Nos.15456, 15461, 15471 & 15541 of 2021

CA(CO)
SU(02/03/2022)