

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.23076 of 2021

Raji @ Rajeev Gandhi

... Petitioner

Versus

The State

Rep.by the Forest Range Officer

Tiruttani 631 209

Tiruvallur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 18.08.2021 passed in Crl.M.P.No.2926 of 2021 on the file of the Learned Judicial Magistrate, Tiruttani by consequently directing the Respondent to return, the vehicle to the Petitioner, the Scorpio Car bearing registered No.TN 01 U 6996 involved in the above S.T.O.R.No.03 of 2021 on the file of the Respondent, the Forest Range Officer Tiruttani, Tiruvallur District.

For Petitioner : Mr.M.Shahjahan

For Respondent : Mr.L.Baskaran

Government Advocate (Crl.Side)

ORDER

This petition had been filed to set aside the order dated 18.08.2021 passed in Crl.M.P.No.2926 of 2021 on the file of the Learned Judicial Magistrate, Tiruttani by consequently directing the Respondent to return the vehicle to the Petitioner, viz., Scorpio Car bearing Registration No.TN 01 U 6996, which is involved in the above S.T.O.R.No.03 of 2021 on the file of the Respondent/Forest Range Officer Tiruttani, Tiruvallur District.

2. The Learned Counsel for the Petitioner submitted that the Petitioner's vehicle was taken for marriage party by one of his friend. While so, the vehicle was seized by the Kanakammachatram Police Station and handed over to Forest Department for the alleged offence of transport of red sanders. The Petitioner herein approached the Learned Judicial Magistrate, Tiruttani, for interim custody of the vehicle. The Learned Judicial Magistrate, Tiruttani, after conducting enquiry

had dismissed this petition as not maintainable. Therefore, the Petitioner approached this Court seeking release of the vehicle from the Respondent.

3. The Learned Government Advocate (Crl.Side) submitted that the Petitioner is not the owner of the vehicle. As per the registration certificate, the vehicle stands in the name of one Bhuvaneswari. Further, the Learned Government Advocate (Crl.Side) submitted that since the Petitioner has been arrayed as Accused in this case for transport of red sanders, he is not entitled to file this petition seeking custody of the vehicle.

4. Further, the Learned Government Advocate (Crl.Side) submitted that the Forest Department Official has issued show cause notice to the owner of the vehicle for confiscation and bring the property to Public Auction. As per the provisions of the Forest Act, once the proceedings is initiated by the the Forest Department, the Petitioner is not entitled for release of the vehicle. Therefore, the Learned Government Advocate (Crl.Side) seeks to dismiss this petition. Further, the Learned Government Advocate (Crl.Side) submitted that the Petitioner is involved in previous cases of similar in nature.

5. Considering the objection raised by the Learned Government Advocate (Crl.Side), this Court is of the view that this petition has having no merits. Hence, this petition is dismissed. The Forest Department is directed to proceed as per law.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Judicial Magistrate, Tiruttani.

2. The Forest Range Officer
Tiruttani 631 209
Tiruvallur District.

3. The Public Prosecutor
High Court, Madras.

Crl.O.P.No.23076 of 2021

SKM(CO)
CT/14/07/2022