



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.22038 of 2021

Elumalai,
S/o.Perumal

... Petitioner/Petitioner/Owner

Vs.

The State Represented by
The Inspector of Police,
Prohibition Enforcement Wing,
Hosur, Krishnagiri District.

... Respondent/Respondent/
Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate No.II, Hosur, Krishnagiri District to taken on file in Crl.M.P.SR.No.2780 of 2021 in e-filing No.ECTNKIOF-00047-2021 dated 21.10.2021 in Crime No.693 of 2021.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Gokulakrishnan

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct the learned Judicial Magistrate No.II, Hosur, Krishnagiri District to take the petition filed by the petitioner in Crl.M.P.SR.No.2780 of 2021 in e-filing No.TNKIOF-00047-2021 dated 21.10.2021 in Crime No.693 of 2021 on the file of the respondent police and number the case.

2. The learned counsel for the petitioner would submit that the petitioner is the owner of the Maruti Suzuki Celerio VXI BSIV vehicle bearing Registration No.TN-83-V-2386 and the vehicle was seized by the respondent police in connection with Crime No.693 of 2021 registered for the Offences under Section 4(1)(a) read with 4(1-A) of the Tamil Nadu Prohibition Act, 1937 on the allegation that it was used for illicit transport of liquor.

3. The petitioner had approached the learned Judicial Magistrate No.II, Hosur, Krishnagiri District and filed a petition under Sections 451 & 457 of Cr.P.C on 18.10.2021 seeking interim custody of his vehicle, whereas, the Trial Court had returned the petition with an endorsement that "To be given one provision of law. Hence this petition returned



4. The petitioner in the petition itself has mentioned Sections 451 & 457 of Cr.P.C., this Court is unable to understand for what reason, the petition has been returned. The petition has been returned by the learned Magistrate mechanically without application of mind. The order of return dated 21.10.2021 is hereby set aside and the learned Judicial Magistrate No.II, Hosur, Krishnagiri District is directed to take up the petition on file and pass appropriate orders after issuing notice to the respondent, in accordance with law.

5. This Criminal Original Petition stands disposed of with the above directions.

Sd/-
Assistant Registrar(CS-)

//True Copy//

Sub Assistant Registrar

nst/arb

To

- 1.The Inspector of Police,
Prohibition Enforcement Wing,
Hosur, Krishnagiri District.
- 2.The Judicial Magistrate, No.II,
Hosur, Krishnagiri District.
- 3.Do Through:
The chief Judicial Magistrate,
Krishnagiri.
- 4.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.8414

CRL.O.P.No.22038 of 2021

VSN II(CO)
KM(10/02/2022)