



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.2706 of 2022

Saravanan

... Petitioner/Petitioner

Vs

State represented by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
(In Crime No.1189 of 2020)

... Respondent/Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records of the Docket order dated 15.12.2021 passed by the Learned Principal District and Sessions Judge, Thanjavur in unnumbered Cr.M.P. Of 2021 in Crime No.1189 of 2020 on the file of the respondent police and set aside the same and consequently direct the Learned Principal District and Sessions Judge, Thanjavur to number the petition and pass order within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.Arulvadivel @ Sekar C

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records of the Docket order dated 15.12.2021 passed by the Learned Principal District and Sessions Judge, Thanjavur in unnumbered Cr.M.P. Of 2021 in Crime No.1189 of 2020 on the file of the respondent police and set aside the same and consequently direct the Learned Principal District and Sessions Judge, Thanjavur to number the petition and pass order within a time frame as fixed by this Hon'ble Court.

2. The petitioner's vehicle bearing Reg.No TN 55 BA 2052 was seized by the respondent police relating to Crime No.1189 of 2020 for the offences under Sections 147,341,294(b),352,506(ii),379 of IPC r/w.Section 21(1) of Mines and Minerals Act.

3. The case of the prosecution is that on 05.06.2020 the petitioner along with some other were found in illegal transpotation of river sand near Vedhapuri Kattaru using one JCB and four tractors. The petitioner is not an accused. While pending investigation the petitioner has filed a petition under Section 451 of Cr.P.C for return of Eicher vehicle bearing Reg.No TN 55 BA 2052 on the file of the learned District and Sessions Judge, Thanjavur. The learned Sessions Judge has returned the petition stating the following reasons:

<https://hcservices.ecourts.gov.in/hcservices/>



- a) P.P notice to be given
- b) petitioner photo to be affixed
- c) offence to be mentioned in the petition, affidavit
- d) Necessary rectification certificate to be obtained from the respondent police in respect of vehicle registration number
- e) Necessary court fee to be affixed in the aadhar card copy
- f) petitioner address correctly to be mentioned
- g) prayer portion correctly to be mentioned in the petition, affidavit, petition copy
- h) Necessary document and affidavit to be filed for tipper
- i) Hypothecation made in the RC book whether the original RC book is in custody of the petitioner
- j) Description of property to be mentioned
- k) Tipper photo to be filed
- l) Petition copy to be filed
- m) Thick fly sheet to be attached

4. The Court below directed the necessary required certificate to be obtained from the respondent in respect of the vehicle registration number. Further the tipper photo to be filed, where as the petitioner's vehicle is Eicher. Without application of mind the Court below mechanically returned the paper for rectification certificate that too from the respondent police. These are no way connected with the petitioner's vehicle.

5. Considering the above, the petitioner is directed to represent the returned papers for return of vehicle filed under Section 451 of Cr.P.C within a period one week from the date of receipt of a copy of this Court before the court below. On receipt of same, the learned Principal District and Sessions Judge, Thanjavur is directed to number the same and pass orders on merits and in accordance with law within a period of four weeks therefrom.

6. The petition is ordered accordingly.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

aav



To

1.The Principal District and Sessions Judge, Thanjavur

2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

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

Copy to:

The Section Officer,Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate (SR-5235[F] dated
10/02/2022)

Crl.O.P.(MD)No.2706 of 2022
09.02.2022

MGJ(05.03.2022) 3P 6C