



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 19.05.2022

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P. (MD)No.9536 of 2022

Southry

... Petitioner

Vs

State through
The Deputy Superintendent of Police,
CSCID-Police Station,
Karur District.
In Crime No.50 of 2022

... Respondent

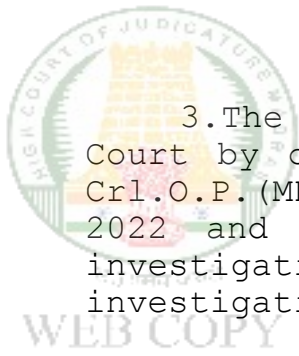
PRAYER : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate Court No.1, Karur to entertain the unnumbered petition under Section 457 r/w. 451 Cr.P.C., filed by the petitioner dated 09.05.2022 and to dispose the same within stipulated period of time as fixed by this Court pertaining to Cr.No.50/2022 dated 20.04.2022 on the file of the 1st respondent police for the offences under Sections 2(e) (V), 2(e) (VI), 2(e) (VII) of Motor Spirit and High Speed Diesel (Regulation of Supply & Distribution & Prevention of Malpractices) order 1998 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955.

For Petitioner	:	Mr.R.Karthic Rajan
For Respondent	:	Mr.B.Nambi Selvan, Addl. Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.1, Karur to entertain the unnumbered petition filed under Section 457 r/w. 451 Cr.P.C., by the petitioner dated 09.05.2022 and to dispose the same within stipulated period.

2.The learned counsel for the petitioner submitted that the petitioner is the Manager of TMS Enterprises and the vehicle belongs to the said enterprise. On receiving secret information, the respondent police seized the vehicle for transporting adulterated liquid like diesel and registered a case in Crime No.50 of 2022 for the offences under Sections 2(e) (V), 2(e) (VI), 2(e) (VII) of Motor Spirit and High Speed Diesel (Regulation of Supply & Distribution & Prevention of Malpractices) order 1998 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955 and the vehicle was taken to the custody of the respondent. Hence, the petitioner filed an application before the learned Judicial Magistrate No.I, Karur for return of the vehicle along with all relevant documents but the same was returned. Therefore, the present Criminal Original Petition came to be filed seeking direction.



3.The learned Additional Public Prosecutor submitted that this Court by order dated 29.04.2022 in Crl.M.P.(MD)No.5603 of 2022 in Crl.O.P.(MD)No.8294 of 2022 stayed the proceedings in Crime No.50 of 2022 and hence, the respondent police did not conduct further investigation and the vehicle in question is need for further investigation. Therefore, he prayed for dismissal of this petition.

4.Even though this Court stayed the proceedings in Crime No.50 of 2022, if the vehicle is kept in open space and exposed to sun light and rain, it would lose its value. So, the learned Judicial Magistrate No.I, Karur is directed to number the application filed by the petitioner and dispose of the same on merits and in accordance with law within a period four weeks from the date of receipt of a copy of this order.

5.This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (Vacation
Officer)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 No.I,
Karur.
- 2.The Deputy Superintendent of Police,
CSCID-Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD)No.9536 of 2022
19.05.2022