



CrI.O.P.(MD) No.22949 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD) No.22949 of 2022

P.Gopalakrishnan,

: Petitioner

Vs

State represented by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District
(Crime No. 493 of 2021).

: Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to Set Aside the return Docket Order, dated 22.09.2022, on the file of learned Principal District Judge, Sivagangai and consequently direct the learned Judge to take the petition filed by the petitioner under Sections 457 and 451 of Cr.P.C. for return of vehicle on file and decide it on merits in manner known to law.



Crl.O.P.(MD) No.22949 of 2022

For Petitioner : Mr.S.Radhaventhere
For Mr.R.Muthuram
For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking to set aside the return Docket Order, dated 22.09.2022, on the file of learned Principal District Judge, Sivagangai and consequently direct the learned Principal District Judge to take the petition filed by the petitioner under Sections 457 and 451 of Cr.P.C. for return of vehicle on file and decide on merits.

2.The learned Counsel appearing for the petitioner would submit that the vehicle in dispute was owned by the accused and the petitioner had purchased the vehicle subsequent to the registration of the case against the accused. He would further submit that the petitioner has filed an application before the learned Principal District Judge, Sivagangai and the learned Judge returned the same, vide order, dated 22.09.2022, directing the petitioner to furnish some particulars and produce certain documents.



CrI.O.P.(MD) No.22949 of 2022

3.It is evident from records that the learned Principal District Judge, Sivagangai, has directed the petitioner to produce the vehicle owner's Identity Card, xerox copy of the original RC Book and to furnish particulars about the engine and chasis numbers and also custody of the original RC Book. Now, the petitioner's present prayer is to direct the concerned Court to consider the agreement alleged to have been entered into between the petitioner and the accused with regard to the ownership of the vehicle.

4.As rightly contended by the learned Government Advocate (CrI.Side), the above aspect canvassed by the learned Counsel appearing for the petitioner is a matter for consideration of the learned Principal District Judge, Sivagangai and the same cannot be gone into by this Court at this stage.

5.In view of the above, liberty is given to the petitioner to re-present the petition filed under Sections 457 and 451 Cr.P.C., by producing the documents sought for in the return docket order and by furnishing the required particulars. On such re-presentation, the learned Principal District Judge, Sivagangai, is directed to take the petition on file, consider the same and pass orders on merits and in accordance with law.



CrI.O.P.(MD) No.22949 of 2022

WEB COPY

6. With the above directions, this criminal original petition stands disposed of.

23.12.2022

Internet: Yes

Index: Yes/No

Speaking/Non speaking order
lr

To

1. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District

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



Crl.O.P.(MD) No.22949 of 2022

K.MURALI SHANKAR, J.

lr

Crl.O.P.(MD) No.22949 of 2022

23.12.2022