



Crl.O.P.No.7467 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.04.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.7467 of 2023

L.Mani

...Petitioner

Vs.

The State represented by the
The Inspector of Police,
Dharmapuri Town Police Station,
Crime No.371 of 2018.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to set aside the return order dated 06.02.2023 and direct the learned Principal and Sessions Court, Dharmapuri to number the petition in Crl.MP.SR.No.1023 of 2023.

For Petitioner : M/s R.Saritha
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER



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This Criminal Original Petition has been filed to set aside the return order dated 06.02.2023 and direct the learned Principal and Sessions Court, Dharmapuri to number the petition in Crl.MP.SR.No.1023 of 2023.

2. The learned counsel for the petitioner submitted that the petitioner filed a petition under Section 451 CPC for return of vehicle bearing Registration No.KA 01 AA 7534. The learned Magistrate returned the petition as follows:-

“ 01. As per guidelines under Mines and Minerals Act this petition is not maintainable before this Court.

02. Document to be enclosed that the petitioner is the owner of the vehicle.”

Challenging the return, this petition is filed.

3. Considered the rival submissions and perused the records.

4. It is the primary duty on the part of the petitioner to produce the



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records to establish that he is the owner of the vehicle and entitled to secure interim custody of the vehicle. Therefore, the petitioner is directed to comply with the return and produce necessary documents to establish that he is the owner of the aforesaid vehicle. With regard to other return, that as per the guidelines under Mines and Minerals Act, this petition is not maintainable, the learned Principal and Sessions Judge, Dharmapuri is directed to consider the petition on merits and pass appropriate orders without making a return that the petition is not maintainable as per the guidelines under Mines and Minerals Act. If it is not maintainable under Mines and Minerals Act, suitable order has to be passed in the manner known to law.

5. Accordingly, this Criminal Original Petition is disposed of.

06.04.2023

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Index: Yes/No

Speaking Order: Yes/No

G.CHANDRASEKHARAN.J.,



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To

1. The Principal and Sessions Court, Dharmapuri.
2. The Inspector of Police,
Dharmapuri Town Police Station,
3. The Public Prosecutor,
High Court of Madras.

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