



WEB COPY



CrI.O.P.No.18961 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.18961 of 2023

and

CrI.M.P.No.12291 of 2023

Praveenkumar

...Petitioner

vs.

The State rep by
The Station House Officer,
Puduchathiram Police Station,
Cuddalore District
(Crime No.112 of 2023)

...Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the docket order dated 30.06.2023 in unnumbered CrI.M.P.No. Of 2023 passed by the learned District Munsif Cum Judicial Magistrate, Portonvo, Cuddalore District in Crime No.112 of 2023 on the file of the respondent police and consequently directing the respondent to produce the vehicle Mahindra & Mahindra Goods Carrier Pickup Van bearing registration No.TN 31 CF 1503 before the learned District Munsif Cum Judicial Magistrate, Portnovo, Cuddalore District.

For Petitioners : Mr.G.Pugazhenth

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor



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ORDER

This criminal original petition has been filed challenging the docket order passed by the Court below on 30.06.2023 returning the application filed by the petitioner seeking for return of vehicle and for consequential direction to the respondent police to produce the vehicle before the concerned Court.

2. When the matter came up yesterday, the learned counsel for the petitioner submitted that the vehicle was seized from the petitioner on 02.05.2023 and till date, there is no sign of registration of FIR and the vehicle has been illegally retained by the respondent police. In the light of this submission, this Court directed the learned Additional Public Prosecutor to take instructions and report before this Court.

3. The learned Additional Public Prosecutor on instruction submitted that FIR was registered on 19.04.2023 in Crime No.112 of 2023 for offence under Section 102 of CrPC on the ground that five vehicles remained abundant in a place. However, the FIR was submitted before the concerned Court only on 21.08.2023 (yesterday).



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4. The learned Additional Public Prosecutor further submitted that the relevant forms will be filed before the concerned Court by tomorrow and thereafter the petitioner can file an application seeking for return of vehicles and work out his remedy.

5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the respondent police to hand over the vehicle to the concerned Court by filing the relevant forms by tomorrow. The petitioner is permitted to re-present the application seeking for return of vehicle and the Court below shall consider the same on its own merits and in accordance with law.

6. This criminal original petition is disposed of in the above terms.

7. The Registry is directed to return back the original application filed in this petition to enable the petitioner to re-present the application before the concerned Court and workout his remedy.

22.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa

Note: Issue order copy on 23.08.2023



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N. ANAND VENKATESH, J.

nsa

To

1.The Inspector of Police,
All Women Police Station,
Virudhachalam, Cuddalore.

2.The Public Prosecutor,
Madras High Court,
Chennai 600 104..

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22.08.2023