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CrI.OP.No.3636 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.3636 of 2023

Ashok Kumar Jain

... Petitioner

Vs.

State Represented by,
Inspector of Police,
Tiruppur Rural Police Station,
Tiruppur District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the docket order dated 20.10.2022 passed by the learned Judicial Magistrate – IV, Tiruppur and consequently direct the learned Judicial Magistrate – IV, Tiruppur to grant the custody of the registration certificate of the petitioner's vehicle and permit the petitioner to sell the vehicle Chevrolet Tavera Silver Colour bearing registration No.TN 39 AA 8451.

For Petitioner : Mr.Manojkumar

For Respondent : Mr.S.Santhosh

Government Advocate (Crl side)



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ORDER

This Criminal Original Petition has been filed to set aside the docket order dated 20.10.2022 passed by the learned Judicial Magistrate – IV, Tiruppur and consequently direct the learned Judicial Magistrate – IV, Tiruppur to grant the custody of the registration certificate of the petitioner's vehicle and permit the petitioner to sell the vehicle Chevrolet Tavera Silver Colour bearing registration No.TN 39 AA 8451.

2.The learned counsel for the petitioner submitted that the learned Judicial Magistrate No.II, Tiruppur, in the order passed in C.M.P.No.8562 of 2006 on 22.09.2006 passed the following order:-

“1)Photographs of all the above said articles should be taken and the petitioner is directed to execute a bond for Rs.2,00,000/- with two sureties each for a likesum.

Further he is directed not to sell or alter the structure of the property till the disposal of the case with condition to surrender the R.C.Book, He must produce the properties as and when required by this Court.”



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3. Thereafter petitioner filed CrI.O.P.No.29511 of 2008 for modifying the conditions imposed. This Court allowed the petition and modified the conditions as prayed for in the CrI.O.P.No.29511 of 2008. Now even after completion of nearly eighteen years, no final report is filed in this case and no trial commenced. In the said circumstances, petitioner filed petition under Section 451 read with Section 457 of Cr.P.C., praying the learned Judicial Magistrate No.IV, Tiruppur, to pass an order to grant custody of R.C.Book for the vehicle bearing Registration No.TN 39 AA 8451 and also permit the defacto-complainant for selling the vehicle. The learned Judicial Magistrate No.IV, Tiruppur, instead of numbering this petition and passing orders on merit, returned the petition on 20.10.2022 stating “How this prayer is maintainable?”. Challenging the said return, this petition is filed.

4. This Court without going into the merits of the petitioner claim directs the petitioner to comply with the return endorsement. On his compliance, the learned Judicial Magistrate-IV, Tiruppur is directed to number the petition and dispose the petition in the manner known to law within a period of two weeks from the date of complaint of the return.



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5.Registry is directed to return the original impugned order of the learned

Judicial Magistrate No.IV, Tiruppur.

6.With the above observations and direction, the Criminal Original
Petition stands disposed of.

20.02.2023

Index : Yes / No
Speaking / Non Speaking order
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To

1.The Judicial Magistrate – IV,
Tiruppur.

2.Inspector of Police,
Tiruppur Rural Police Station,
Tiruppur District.

3.The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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