



CrI.O.P.(MD) No.13771 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

CrI.O.P.(MD) No.13771 of 2023

Kanniraja

... Petitioner

Vs.

The Inspector of Police,
Megnanapuram Police Station,
Tuticorin District.
In Crime No.179 of 2022

...Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the docket order passed by the learned Judicial Magistrate, Sathankulam, dated 21.03.2023 in unnumbered Cr.M.P.SR.No.2934/2023 in C.C.No.263 of 2022 and direct the learned Judicial Magistrate, Sathankulam, to number the return of property petition submitted under Section 451 of Cr.P.C. filed by the petitioner and consequently pass order on merits within stipulated time.

For Petitioner

: Mr.K.Jeyamohan
for Mr.P.Praveenkumar

For Respondent

: Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

This Criminal Original Petition is filed under Section 482 of Cr.P.C. challenging the orders passed by the learned Magistrate in unnumbered Cr.M.P.SR.No.2934/2023 in C.C.No.263 of 2022, dated 21.03.2023.

2. It is submitted by learned counsel for the petitioner that the Maruthi Omni Van vehicle bearing Registration No.TN 76 C 5305, was seized by the respondent Police and a case has been registered in Crime No.179 of 2022 and the said vehicle was produced before the Court and the petitioner has filed an application for return of property under Section 451 of Cr.P.C. and the same was declined on two grounds that the petitioner has not filed original Registration Certificate and that the petitioner is not the original owner. Aggrieved by the same, the present petition is filed.

3. Heard the learned counsel for the petitioner including the learned Additional Public Prosecutor.

4. It is submitted that he has purchased the said vehicle from its original owner through a vehicle broker or mediator and thereby, he does not have acquaintance with the owner and he does not know his whereabouts. Since the



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original owner has filed all the documents transferring in his favour and all the papers were presented before the Regional Transport Authorities and the transfer has not been effected as the vehicle has been produced before the Regional Transport Officer for an inspection. It is also submitted that the original Registration Certificate is with the petitioner and he is permitted to produce.

5. Considering the circumstances, since the whereabouts of the owner is not known to the petitioner, this petition is disposed of, by giving liberty to the petitioner to file a fresh application under Section 451 Cr.P.C. by impleading the owner as one of the parties before the learned Magistrate and on filing of such application, the learned Magistrate is directed to make an enquiry with regard to the ownership of the vehicle and transfer of ownership in favour of the petitioner on the basis of the transfer documents and the original Registration Certificate and pass fresh orders appropriately by giving notice to all the parties concerned as expeditiously as possible.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
tsg

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DR.D.NAGARJUN. J.

tsg

To

1.The learned Magistrate,
Sathankulam.

2.The Inspector of Police,
Megnanapuram Police Station,
Tuticorin District.

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

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