



WEB COPY

Crl.O.P.(MD)No.14191 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.08.2023**

CORAM:

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

Crl.O.P.(MD) No.14191 of 2023

Merlin Jebasingh

... Petitioner

Vs.

The State rep.by its
The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
Crime No.24 of 2023

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the learned Principal District and Sessions Judge, Virudhunagar (at Srivilliputhur) to take the Cr.M.P on file and numbering the same vide Filing No.Crl.M.P./3593/2023 filed on 26.06.2023 (CNR No.TNVR0100417/2023) and pass suitable orders.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondent : Mr.S.S.Madhavan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed seeking for a direction to the learned Principal District and Sessions Judge, Virudhunagar (at



Srivilliputhur) to take Cr.M.P on file and number the same vide Filing No.CrI.M.P./3593/2023 on 26.06.2023.

2. It is submitted by the learned counsel appearing for the petitioner that the petitioner's vehicle, namely, Ashok Leyland Tusker RSX2 Lorry, bearing Reg.No.TN 18 A 2334 is involved in Crime No.24 of 2023 on the file of the respondent Police for the offence punishable under Section 379 r/w. 21(1) of Mines and Minerals (Development and Regulation) Act and the petitioner has filed an application before the learned Magistrate under Sections 451 and 457 Cr.P.C for return of the said lorry and the learned trial Judge has stated to have returned the said application with four objections. It is further submitted that even after complying with the four objections, the learned Magistrate has refused to register the same and therefore, sought for suitable directions.

3. On perusing the record and hearing the submission of the learned counsel appearing for the petitioner, it is clear that the petitioner has not complied with the objections raised by the Court. Even according to the learned counsel appearing for the petitioner, out of four objections, the petitioner has complied with three objections. In respect of fourth objection, it is submitted by the learned counsel appearing for the



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petitioner that since the vehicle is still with the Police, the case Property Register Number has not been assigned and thereby, he is not in a position to mention the case Property Register Number. Instead of resubmitting the paper before the trial Court, the petitioner has approached this Court as if the trial Court has committed an error.

4. Accordingly, this Criminal Original Petition is dismissed.

Index : Yes/No
Internet : Yes/No
ssb

10.08.2023

To

- 1.The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

ssb

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