



Crl.O.P.(MD).No.20158 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.20158 of 2023

K.Mari

... Petitioner

Vs.

The state Rep by
The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(Crime No.26 of 2021)

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to set aside the impugned order dt.03.10.2023 passed by the Learned Principal District and sessions Judge, Virudhunagar District at Srivilliputhur in an unnumbered Cr MP No. Of 2023 in C.N.R No.TNVR010063812023, and to number the petition and taken.

For Petitioner : Mr.V.Angusamy

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate
(Crl.side)



Crl.O.P.(MD).No.20158 of 2023

ORDER

WEB COPY

This criminal original petition has been filed to set aside the impugned order dt.03.10.2023 passed by the Learned Principal District and sessions Judge, Virudhunagar District at Srivilliputhur in an unnumbered Cr MP No. Of 2023 in C.N.R No.TNVR010063812023, and to number the petition and taken.

2.Challenging the return order passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, this petition has been filed. The grievance of the petitioner is that they have produced the relevant documents showing the ownership of the vehicle. But, the petition filed by the petitioner under Section 451 Cr.P.C. seeking interim custody of the vehicle came to be returned making some observations and finding some defects.

3.It may not be proper on the part of the trial Court to return the petition without entertaining the same on the judicial side. Whether the petition is maintainable or not, the petitioner is ready to prove the ownership of the vehicle, on the judicial side enquiry.



Crl.O.P.(MD).No.20158 of 2023

4.The maintainability should not be decided on the administrative side without even numbering the petition. It must be taken on the judicial side and also opportunity must be given to the petitioner. On the sole ground, the above said order is liable to be set aside.

5.Accordingly, the impugned order dated 03.10.2023 passed by the Learned Principal District and sessions Judge, Virudhunagar District at Srivilliputhur in an unnumbered Cr.M.P.No. .. of 2023 in C.N.R No.TNVR010063812023, is hereby set aside. Let the above said returned petition be represented before the Principal District and sessions Judge, Virudhunagar District at Srivilliputhur, by the petitioner. The learned Principal District and Sessions Judge, shall process the above said petition and decide the same on its judicial side. For that purpose, let the above said petition be returned back to the petitioner by the Registry.

6.With the above said directions, this Criminal Original Petition is allowed.

09.11.2023



Crl.O.P.(MD).No.20158 of 2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Principal District and sessions Judge, Virudhunagar District at Srivilliputhur.
- 2.The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(Crime No.26 of 2021)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD).No.20158 of 2023

G.ILANGO VAN,J.

TM

Crl.O.P.(MD).No.20158 of 2023

09.11.2023