



Crl.O.P.(MD) No.21140 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P.(MD) No.21140 of 2023

Thennarasu

... Petitioner

Vs

The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No.97/2021.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court, to set aside the impugned order, dated 21.09.2023 passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in an unnumbered Crl MP No. of 2023 in C.N.R No.TNUR010037842023 and to number the petition and taken on file.

For Petitioner : Mr. V.Angusamy

For Respondents : Mr. M.Vaikkam Karunanithi
Government Advocate (Crl.Side)



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ORDER

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This petition has been filed to set aside the impugned order, dated 21.09.2023 passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in an unnumbered CrI MP No. of 2023 in C.N.R No.TNUR010037842023 and to number the petition.

2.The grievance of the petitioner is that the petitioner is seeking interim custody of vehicle concerned in Cr.No.97 of 2021 on the file of the respondent, which was remanded in P.R.No.287 of 2022 on the file of Judicial Magistrate, Thiruchuli. The petition filed by the petitioner seeking interim custody of the said vehicle was returned by the trial Court repeatedly stating one or other reason, without entertaining the same on the judicial side.

3.Without entertaining the petition on the judicial side, returning the petition on the administrative side is not proper. If the petitioner is not showing the ownership of the vehicle, then the trial Court can decide the same on its own merits and in accordance with law.



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4.Only on the sole ground, the impugned order, dated 21.09.2023 is hereby set aside. There shall be a direction to the petitioner to represent the petition before the trial Court and the trial Court is directed to consider the same on its own merits and dispose the same, within a period of one month, from the date of receipt of copy of this order.

5.With the above direction, this petition stands allowed.

27.11.2023

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

Note :Registry is directed to return the original petition to the petitioner for representation.

PNM

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.97/2021.

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

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G.ILANGOVAN, J.

PNM

ORDER IN
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