



Crl.O.P.(MD).No.20266 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.20266 of 2023

Muthuganesh

... Petitioner

Vs.

**The State Rep by
The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(In Crime No:64 of 2021)**

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to set aside 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.TNVR010063822023 and to number the petition.

For Petitioner : Mr.V.Angusamy

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



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ORDER

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This Criminal Original Petition has been filed to set aside 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.TNVR010063822023 and to number the petition.

2.The petitioner being a accused facing charges under Sections 379 of IPC and Section 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957. He filed a petition under Section 451 of Cr.P.C. seeking release of vehicle on interim custody.

3.Without entertaining the petition, on the judicial side, the petition came to be returned making some observation with regard to the ownership and other things. It may not be proper on the part of the trial Court to return the petition on administrative side. The maintainability of the petitioner as well as the merits and the ownership should not have been decided on the administrative side by returning the petition. On that sole ground this Court is inclined to set aside the return order passed by



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the trial Court.

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4. 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.TNVR010063822023, is hereby set aside. Let the petitioner represent the above said petition before the trial Court and the trial Court is directed to entertain the petition on its judicial side, after giving opportunity to the petitioner to put forth his case and to produce the relevant documents, decide the same on its judicial side. For that purpose, let the above said petition be returned back to the petitioner by the Registry under proper acknowledgment.

4. With the above said directions, this criminal original petition stands disposed of.

10.11.2023

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

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- 1.The Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur.
- 2.The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(In Crime No:64 of 2021)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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