



Crl.O.P.(MD).No.20292 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.20292 of 2023

Ashok

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
At Nagercoil.

2.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to Set aside the return docket order dated 31.8.2023, on the file of the Learned Judicial Magistrate No.III, Thoothukudi and consequently direct the Learned Judicial Magistrate No.III, Thoothukudi to number the Petition dated 20.6.2023.

For Petitioner : Mr.SC.Herold Singh

For Respondents : 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 return docket order dated 31.8.2023, on the file of the Learned Judicial Magistrate No.III, Thoothukudi and consequently direct the Learned Judicial Magistrate No.III, Thoothukudi to number the Petition dated 20.06.2023.

2.Stating that the petitioner is the owner of the property involved in Crime No.450 of 2020 registered for the offences punishable under Section 379 of IPC. The petitioner moved an application before the trial Court seeking return of vehicle on interim custody, that came to be returned by the trial Court raising some maintainability issue.

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



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sole ground this Court is inclined to set aside the return order passed by the trial Court.

4. Accordingly, the return docket order dated 31.08.2023, on the file of the Learned Judicial Magistrate No.III, Thoothukudi, 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 an 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
TM



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To

- 1.The Judicial Magistrate No.III, Thoothukudi.
- 2.The Superintendent of Police,
Kanyakumari District,
At Nagercoil.
- 3.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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