



Crl.O.P.(MD).No.20296 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.20296 of 2023

Muthusamy

... Petitioner

Vs.

State rep by
Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.
(Crime No.81/2023)

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to set aside the return order in Unnumbered Cr.M.P Unnumbered / 2023 dt. 07.09.2023 and to direct the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur to number the petitioners application filed u/s 451 Cr.P.C.

For Petitioner : Mr.P.Saravanakumar

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 return order in Unnumbered Cr.M.P Unnumbered / 2023 dated 07.09.2023 and to direct the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur to number the petitioners application filed u/s 451 Cr.P.C.

2.Stating that the petitioner is the owner of the property involved in Crime No.81 of 2023 registered for the offences punishable under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, 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



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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 the trial Court.

4. Accordingly, the return order in Unnumbered Cr.M.P Unnumbered / 2023 dated 07.09.2023, passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, is hereby set aside. Let the petitioner represent the said petition before the trial Court. 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, to produce the relevant documents 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 under proper acknowledgment.

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

10.11.2023

Index : Yes/No
Internet : Yes / No
TM



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To

- 1.The Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur.
- 2.The Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.
(Crime No.81/2023)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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