



CrI.O.P.(MD) No.21935 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

CrI.O.P.(MD) No.21935 of 2023

Jegadha

... Petitioner

Vs

1. The Sub Inspector of Police,
Valliyoor Police Station,
Tirunelveli District,
Crime No.5/2023.

2. The Manager,
Tata Motors Finance,
2nd Floor, Tripura Arcade,
Opposite to Palani Bus Stand,
Next to Axis Bank, Palayamkottai,
Tirunelveli District.

3. Muthuperumal Ulaganathan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records pertaining to the impugned order, dated 27.09.2023 in Cr.MP.SR.No.23978/2023 in Cr.MP.No.9934/2023 on the file of the learned Principal Sessions Judge, Tirunelveli and set aside the same.

For Petitioner : Mr. K.Rajeshwaran
For Respondent : Mr. M.Vaikkam Karunanithi (R1)
Government Advocate (CrI.Side)



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ORDER

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This Criminal Original Petition had been filed to set aside the impugned order, dated 27.09.2023 in Cr.MP.SR.No.23978/2023 in Cr.MP.No. 9934/2023 passed by the learned Principal Sessions Judge, Tirunelveli.

2.A case in Cr.No.5 of 2023 under Section 379 IPC was registered against three persons by the first respondent. The petitioner claims that he is the owner of the property and filed a petition before the trial court under section 451 of Cr.P.C, which came to be allowed by order, dated 08.08.2023. Later, finding that the petitioner is not the competent person seeking for return of vehicle. In view of that, the petitioner filed an amendment petition on 12.12.2022 before the concerned Court and the same was returned by stating that the said application is not maintainable after passing the order.

3.It appears that the trial court has no *functus officio* for passing such order. The amendment petition has to be entertained by the concerned Court by hearing the petitioner on the ground of maintainability. Returning the same on the administrative side is not proper. On the sole ground, the



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impugned order is set aside and the learned Principal Sessions Judge, Tirunelveli is directed to consider the representation filed by the petitioner on the ground of maintainability on the ground of judicial side.

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

06.12.2023

NCC: Yes/No

Internet: Yes/No

Index: Yes/No

Note: Registry is directed to return the original petition after getting proper acknowledgement

PNM

To

1. The Principal Sessions Judge, Tirunelveli

2. The Sub Inspector of Police,
Valliyoore Police Station,
Tirunelveli District,
Crime No.5/2023.

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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