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Criminal Original Petition No.2248 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.2248 of 2024

Charles

...Petitioner

Vs

1.The State

rep. by The Inspector of Police
St.Thomas Mount Police Station
Chennai.
Crime No.86 of 2023.

2.The Inspector of Police

T15, Kannagi Nagar Police Station
Chennai.
Crime No.247 of 2018.

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct the 2nd respondent to produce the petitioner's vehicle Bajaj Pulsar NS200 bearing registration number TN 22 DL 1560 was seized in Crime.No.247 of 2023 to the learned Judicial Magistrate Court-I at Alandur in Crime No.86 of 2023 on the file of the 1st respondent accordance with law and pass such orders.



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For Petitioner : Mr.K.Karthik
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed for a direction to the 2nd respondent to produce the petitioner's vehicle bearing Registration No.TN 22 DL 1560, before the concerned Court in order to enable the petitioner to get the vehicle back.

2. Heard Mr.K.Karthik, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing on behalf of the respondents.

3. The case of the petitioner is that his vehicle was stolen and based on the complaint given by the petitioner, an FIR came to be registered in Crime No.86 of 2023 by the St. Thomas Mount Police Station, St.Thomas Mount. The bike was traced and it was seized by the 2nd respondent in another case in Crime No.247 of 2023.

4. The petitioner was not aware about the bike being seized by the 2nd respondent. The petitioner therefore filed an application in CMP



No.3772 of 2023 before the learned Judicial Magistrate I, Alandur, seeking for return of vehicle. This application was allowed by an order dated 17.08.2023 by imposing certain conditions.

5. In spite of the above order, the petitioner was not able to get back the vehicle. Later, the petitioner came to know that the vehicle was used to commit NDPS offence and an FIR came to be registered in Crime No.247 of 2023 by the 2nd respondent. In the course of investigation, the same vehicle was seized by the 2nd respondent. The petitioner therefore filed Crl MP No.8291 of 2023 before the Special Court, Chennai, seeking for return of vehicle. This application was dismissed as not maintainable by an order dated 27.11.2023.

6. The petitioner was not able to get back his vehicle and therefore, left with no other option, the present petition has been filed before this Court.

7. The learned Additional Public Prosecutor on instructions submitted that the vehicle is yet to be produced before the concerned Court



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by the 2nd respondent and that the vehicle in possession of the 2nd respondent which was seized in the course of investigation in Crime No.247 of 2023.

8. In the light of the above submission made by the Additional Public Prosecutor, there shall be a direction to the 2nd respondent to produce the vehicle before the concerned Court on or before 14.02.2024. On such production, it will left open to the petitioner to file a fresh application seeking for return of vehicle. The same shall be ordered by the concerned Court by imposing necessary conditions. Such order shall be passed within a period of one week thereafter from the date of filing of application for return of vehicle.

9. This criminal original petition is disposed of with the above directions.

09.02.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No

Issue order copy on 20.02.2024.



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2.The Inspector of Police

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3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J
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