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Crl.O.P.No.7266 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.7266 of 2024

Sowndharya. T

... Petitioner

/versus/

1. The Superintendent of Police,
Namakkal.

2. The Deputy Superintendent of Police,
Trichengode.

3. The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam.

4. The Regional Transport Officer,
Regional Transport Office,
Kumarapalayam.

... Respondents

R4 Impleaded as per order dated 05.06.2024 in Crl.M.P.No.7922 of 2024 in Crl.O.P.No.7266 of 2024

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to issue direction directing the 3rd respondent to release the petitioner vehicle bearing Reg.No.TN-40-A-3868 which is under the 3rd respondent illegal custody and pass orders.



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For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed seeking direction to the 3rd respondent to release the petitioner's Toyota Qualis car bearing Reg.No.TN-40-A-3868 which is under the illegal custody of the 3rd respondent.

2. According to the petitioner, he got approval from the Regional Transport Officer, for converting the motor car into Ambulance and the said order is dated 11.01.2023. While so, due to previous animosity, the Regional Transport Office, Kumarapalayam had seized his vehicle on 29.12.2023 alleging certain violation in conversion of Motor car into Ambulance. Further, the Learned Counsel for the petitioner states that the car which was seized never been produced before the Magistrate Court, even after registration of a complaint.

3. A detailed counter affidavit has been filed by the Regional Transport Office, Kumarapalayam stating that the request for conversion was rejected *vide* order dated 18.06.2024. But the counter does not explain why the



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vehicle seized not been produced before the Court, why no action was taken for producing the seized vehicle before the Magistrate and also there is no explanation how without canceling the earlier order dated 11.01.2023 granting approval, a fresh order been passed on 26.06.2024 after filing of this petition. The inaction on the part of the Regional Transport Officer, Kumarapalayam, Namakkal District, requires scrutiny by the Superior Officer of the Department. Hence, the matter is referred to Principal Secretary, Transport Department, Secretariat, Government of Tamil Nadu, for necessary action.

4. With the above direction, this Criminal Original Petition is disposed of.

02.07.2024

Index : Yes/No.

Neutral Citation : Yes/No.

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Copy to:-

1. The Superintendent of Police, Namakkal.

2. The Deputy Superintendent of Police, Trichengode.

3. The Inspector of Police, Pallipalayam Police Station, Pallipalayam.

4. The Regional Transport Officer, Regional Transport Office, Kumarapalayam.

6. The Principal Secretary, Transport Department, Government of Tamil Nadu, Secretariat, Chennai.

7. The Public Prosecutor, High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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