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CrI.O.P.(MD)No.12948 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.02.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.12948 of 2022

Mohamed Rahamath Ali

... Petitioner

Vs.

The Inspector of Police,
Manalmelkudi Police Station,
Pudukottai District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondent to act upon the order passed by the learned Judicial Magistrate, Aranthangi in Cr.M.P.No.99 of 2022 dated 03.02.2022 and produce the two-wheeler bearing registration No.TN-55-BX-4503.

For petitioner : Mr.A.M.B.Mathubalan

For Respondent : Mr.SS.Madhavan,
Government Advocate
(Criminal Side)

ORDER

This petition has been filed seeking for a direction to the respondent to act upon the order passed by the learned Judicial Magistrate, Aranthangi in Cr.M.P.No.99 of 2022 dated 03.02.2022 and produce the two-wheeler bearing registration No.TN-55-BX-4503.



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2. The petitioner is the owner of the two-wheeler bearing registration No.TN-55-BX-4503. It is alleged that the accused persons were sitting in the above said two-wheeler and they indulged in selling tobacco products. Hence, the respondent Police arrested the petitioner and seized the contraband from the accused persons and also seized the above said vehicle. Thereafter, the respondent Police registered a case against the petitioner in Crime No.1 of 2022 for the alleged offence punishable under Sections 284, 328 IPC r/w Sections 6(a) and 24(1) of COTPA Act.

3. The learned counsel appearing for the petitioner would submit that when the petitioner came out on bail, he filed an application in Cr.M.P.No.99 of 2022 before the learned Judicial Magistrate, Aranthangi, seeking for return of property. Since the vehicle was not produced before the Court below, the learned Judicial Magistrate vide an order dated 03.02.2022 directed the respondent Police to produce the petitioner's vehicle on or before 10.02.2022 and the same was not implemented by the respondent Police. He would further submit that this Court may issue a direction to the respondent Police to implement the order passed by the Court below in Cr.M.P.No.99 of 2022 within a reasonable time.



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4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent Police.

5. In view of the limited relief sought for by the petitioner in this petition, this Court directs the respondent Police to implement the order passed by the trial Court within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, the Criminal Original Petition stands disposed of.

08.02.2024

Index : Yes/No
Internet : Yes/No
TSG
To

- 1.The Judicial Magistrate, Aranthangi.
- 2.The Inspector of Police,
Manalmelkudi Police Station,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

TSG

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