



WEB COPY

Crl.O.P.(MD)No.8258 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.04.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD)No.8258 of 2023

S.Gopal @ Gopalakrishnan

... Petitioner/Petitioner/
3rd Party

Vs.

State represented by
The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District.
In (Crime No.182/2023).

... Respondent/Respondent/
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the portion of impugned return order with respect to return Serial Numbers 5 to 7, in Crl.MP.SR.No.3966 of 2023 dated 17.04.2023 on the file of the Learned Principal District cum Sessions Court, Thanjavur to number the petition and dispose the same within time frame as fixed by this Court, allow the Criminal Original Petition.

For Petitioner : Mr.AN.Ramanathan

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor



ORDER

This Criminal Original Petition has been filed to set aside the portion of impugned return order with respect to return Serial Numbers 5 to 7, in Crl.MP.SR.No.3966 of 2023 dated 17.04.2023 on the file of the Learned Principal District cum Sessions Court, Thanjavur to number the petition and dispose the same within time frame as fixed by this Court, allow the Criminal Original Petition.

2. The petitioner is the owner of the vehicle bearing Registration No. TN 55 AZ 9343, seeking return of the vehicle, he has filed a petition under Section 451 of Cr.P.C., before the learned Principal District cum Sessions Court, Thanjavur, but, it came to be returned. One of the reason for return is that the photograph of the previous owners and as well the affidavit must be filed. The petition ought to have been entertained on the judicial side. Returning the petition on administrative side, stating the above said reason is not at all legal and proper.

3. There shall be a direction to the learned Principal District cum Sessions Court, Thanjavur, to entertain the above said petition and decide the same on its own merits. At that time of hearing, the trial court is at



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liberty to impose any conditions upon the petitioner. The petitioner must comply the conditions.

4. The above said originals shall be returned to the petitioner to re-present the same before the concerned Court. The above said return order dated 17.04.2023, is set aside.

5. With the above said direction, this Criminal Original Petition is allowed.

28.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No

Indu

To

- 1.The Principal District cum Sessions Court,
Thanjavur.
- 2.The Inspector of Police,
Thiruvudaimaruthur Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

Indu

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