

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.10454 of 2015

Saleem Basha

... Petitioner

Vs

The State rep. by
The Inspector of Police,
Viruthampattu Police Station,
Vellore District.
[Crime No.1097 of 2013]

... Respondent

Criminal Original Petition, filed under Section 482 of Cr.P.C., to call for the entire records pursuant to the CrI.RC.No.36/2014 on the file of the learned Principal District Judge, Vellore, Vellore District dated 07/09/2014 in CrI.M.P.No.581/2014 on the file of the learned Judicial Magistrate No.III, Vellore dated 12/05/2014 and set aside the same and consequently direct the respondent to return the vehicle ford icon car bearing registration No.TN73 D 8595 having chassis No. MAILSRJKFCF18813 and Engine No.D165435 within stipulated period.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.C.Emalias, Addl. Public Prosecutor

O R D E R

The Criminal Original Petition has been filed praying to call for the entire records in CrI.RC.No.36/2014 on the file of the learned Principal District Judge, Vellore, Vellore District and in CrI.M.P.No.581/2014 on the file of the learned Judicial Magistrate No.III, Vellore and set aside the same and consequently direct the respondent to return the vehicle Ford Icon Car bearing Registration No.TN73 D 8595 having chassis No.MAILSRJKFCF18813 and Engine No.D165435 within a stipulated period.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the material placed on record.

3. It is seen that during investigation, it reveals that the vehicle of the petitioner bearing Registration No.TN73 D 8595 was used for committing the offence and the vehicle was seized by the Police. After completing investigation, the Police has filed Final Report, which has been taken on file as C.C.No.249 of 2014.

4. At this juncture, the petitioner filed an application under Section 451 of Cr.P.C. in Crl.M.P.No.581 of 2014 to return his Ford Icon Car bearing registration No.TN73 D 8595. The Trial Court had dismissed the application by order dated 12.05.2014. Aggrieved by which, the petitioner approached the Sessions Court in Crl.R.C.No.36 of 2014, which was also dismissed on 07.09.2014.

5. This petition has been filed challenging both the orders. Under Section 397 of Cr.P.C., a second revision is not maintainable and only under extraordinary circumstances, an application under Section 482 of Cr.P.C. can be filed. In this case, on perusal of the orders of the court below, the transaction of the money has taken place in the car of the petitioner and that has to be marked as Material Object in the court. Under such circumstances, this Court does not find any serious irregularity in the orders passed by the court below.

6. In view of the above, this Criminal Original Petition is dismissed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

gya

To

1.The Inspector of Police,
Viruthampattu Police Station,
Vellore District.

2. The Principal District Judge
Vellore District

3. The Judicial Magistrate III
Vellore

4.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.10454 of 2015

PA (CO)

kk 20/5