

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-06-2015

Coram :

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 253 of 2015

E. Suresh Kumar

...Petitioner

Versus

1. State represented by  
The Inspector of Police  
Anti Vice-Squad (AVS) Police Station  
Chintadripet  
Chennai - 600 002

2. S. Viswanathan

...Respondents

Petition filed under Section 397 and 401 of Criminal Procedure Code against the order dated 05.09.2013 made in CrI.M.P. No. 5102 of 2013 on the file of the IV Metropolitan Magistrate, Saidapet, Chennai - 600 015.

For Petitioner : Mr. N. Vijay Baskar

For Respondents : Mr. V. Arul  
Government Advocate (CrI.side) for R1

ORDER

The petitioner has filed an application before the court below under Section 451 of Cr.P.C. for return of the Car (Sedan) Accent GLE bearing Registration No. TN 07 AH 4322 and Samsung Cell phone Model 5282 which were seized from him in connection with the case in Crime No. 75 of 2013 on the file of the first respondent police for the offence punishable under Section 3 (2) a, 4 (1), 5 (1), 6 (1) and 7 (1) of the Immoral Traffic Act. The application filed by the petitioner for return of the property was dismissed by the court below on the ground that the petitioner has not produced any document to show that he is the owner of the property sought to be returned to him.

2. The learned counsel appearing for the petitioner vehemently contend that the petitioner had purchased the vehicle in question namely the Sedan Car from the second respondent on 12.07.2013 for a valid consideration for commencing travels business however before changing the name of the ownership, he was arrested by the first

respondent police on 15.07.2013 in connection with the case in Crime No. 75 of 2013. Even though the petitioner has produced TO forms to prove his ownership, the court below erroneously dismissed the application without any valid reasons.

3. The learned Government Advocate (Crl.side) appearing for the first respondent opposed the Criminal Revision Case by contending that when the petitioner could not satisfactorily establish the ownership of the vehicle, the Court below is right in dismissing the application for return of the property.

4. I heard the counsel for both sides and perused the materials on record. Admittedly, the ownership of the vehicle stood in the name of the second respondent at the time of it's seizure by the first respondent police in connection with the criminal case. When the ownership of the vehicle does not stand in the name of the petitioner, the court below is right in dismissing the application for return of the property to the custody of the petitioner. At best, the petitioner can establish his ownership by producing oral and documentary evidence during the course of trial. Therefore, I do not find any reason to interfere with the order passed by the trial court. The learned IV Metropolitan Magistrate, Saidapet, Chennai is directed to expedite the trial in the case and to dispose it of as expeditiously as possible.

5. In the result, Criminal Revision Case is dismissed.

Sd/-  
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rsh

To

1.The IV Metropolitan Magistrate  
Saidapet, Chennai - 600 015.

2.The Public Prosecutor,  
High Court, Madras.

1 CC to M/s. Law Vision, Advocate SR.No. 26496

Crl.R.C No. 253 of 2015

RSI (CO)  
PSI (23.06.2015)