

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.05.2015**

CORAM:

THE HONOURABLE **MR. JUSTICE P.DEVADASS**

Criminal Revision No.475 of 2015

Eswaramurthy

..Petitioner/Appellant

/vs/

State rep. By the Inspector of Police,
Thirukazhukundram Police Station,
Kanchipuram District

..Respondent/Respondent/Complainant

Prayer:- Criminal Revision Case filed under 397 and 401 of the Code of Criminal Procedure to set aside the order dated 07.05.2015 in CrI.M.P. No.1851 of 2015 on the file of the learned District Munsif cum Judicial Magistrate, Thirukazhukundram.

For Petitioner: Mr.T.V.G.Kartheeban

ORDER

This revision has been directed by the accused as against the order of the learned Judicial Magistrate, Thirukazhukundram passed in CrI.M.P.No.1851 of 2015 dismissing his petition filed under section 451 Cr.P.C.

2.Heard both sides.

3.The case property in this case is a Tractor, namely, Ford Tractor No.TN23X1227.

P.DEVADASS,J.

vga/nvi

4.Learned Magistrate dismissed the petition on the ground that investigation is pending.

5.This case is squarely covered by the Judgment of the Hon'ble Supreme Court in **Sunderbai Ambalal Desai Vs. State of Gujarat (AIR 2003 SC 638)**.

6.In the facts and circumstances, ordered as under:

1.The order of the learned Judicial Magistrate, Thirukazhukundram passed in Crl.M.P.No.1851 of 2015 dated 07.05.2015 is set aside.

2.The learned Magistrate shall give interim custody of the Ford Tractor bearing Reg.No.TN23X1227 to the petitioner.

3.The petitioner shall execute a personal bond for Rs.5,00,000/- (Rupees Five lakhs only) to the satisfaction of the said Magistrate.

4.The learned Magistrate also will follow the guidelines issued by the Hon'ble Supreme Court in **Sunderbai Ambalal Desai Vs. State of Gujarat (AIR 2003 SC 638)**.

7.Accordingly, this criminal Revision petition is disposed of.

28.05.2015

vga/nvi

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