

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2015

CORAM :

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

Crl.R.C.No.772 of 2015

Ravanan @ Kathir Ravanan

... Petitioner/3rd Party

Vs.

The State rep. by the Inspector of Police,
Ammapettai Police Station, Salem.

... Respondent/Complainant

Prayer: Revision filed under Sections 397 & 401 of Cr.P.C praying to set aside the order dated 25.06.2015 passed by the learned Judicial Magistrate No.V at Salem in Crl.M.P.No.4465 of 2015, thereby to return the vehicle viz., blue colour model 7 car bearing Registration No.TN 09 BH 7746 bearing Engine No.14CRAIL08AYYW00238, Chasis No.MAT601442BWA02371.

For Petitioner : Mr.E.Ezhil Caroline

For Respondent : Mr.V.Arul,
Government Advocate

ORDER

This Revision has been filed praying to set aside the order dated 25.06.2015 passed by the learned Judicial Magistrate No.V at Salem in Crl.M.P.No.4465 of 2015, thereby to return the vehicle viz., blue colour model 7 car bearing Registration No.TN 09 BH 7746 bearing Engine No.14CRAIL08AYYW00238, Chasis No.MAT601442BWA02371.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the Tata Indigo car bearing Registration No.TN 09 BH 7746, which is a passenger vehicle used for rental purpose. As usual on 06.03.2015 at about 11.00 p.m., the petitioner has parked the said vehicle at 48th street at Ashok Nagar; but on the next day ie., on 07.03.2015 at about 6.00 am, the said vehicle was

found missing. Immediately, the petitioner preferred a complaint before the R3 Ashok Nagar Police Station on 07.03.2015 and the same was registered in Cr.No.1164/2015 under Section 379 IPC. During the month of June-2015, the petitioner received information from the respondent-Police stating that a Tata Indigo Car was seized by them in connection with the case in Crime No.157 of 2015 and requested the petitioner to identify the vehicle. Accordingly, the petitioner identified the vehicle and found that the number plate of his vehicle has been changed by the accused persons; however chasis number and engine number of the vehicle are one and the same. Thereafter, the petitioner filed a petition in CrI.M.P.No.4465 of 2015 before the learned Judicial Magistrate No.V, Salem, seeking to return the vehicle, but the said petition was dismissed. Aggrieved of the same, the present revision petition has been filed by the petitioner.

3.Heard the learned counsel for the petitioner as well as the learned Government Advocate (Criminal Side) also.

4.In the decision of this Court reported in Gajendran Vs. State, through Inspector of Police, Civil Supplies CID, Madurai (2008) 6 CTC 846, it was held that valuable properties need not be unnecessarily kept in the Court custody and it can be released with sufficient safeguard. According to the petitioner, he is the owner of the vehicle and if the vehicle is allowed to be kept in Court deposit, it will be exposed to dust, heat and rain and it will diminish the value of the vehicle.

5.Hence, by setting aside the order passed by the Court below, this Court directs the Court below to deliver the custody of the vehicle in question, to the petitioner subject to the following conditions:-

(i)The petitioner shall establish his ownership of the vehicle in question by producing the original Registration Certificate (RC Book) of the vehicle and other relevant records and the learned Magistrate, on perusal of the RC Book and other records, after retaining the xerox copy of the same, shall return the original documents to the revision petitioner with a view to use the vehicle.

(ii)The petitioner shall execute a personal bond for a sum of Rs.1 lakh with two sureties for like sum to the satisfaction of the learned Judicial Magistrate No.V, Salem.

(iii)The petitioner shall not alienate or encumber or alter the vehicle in any manner till the disposal of

the criminal cases.

(iv) The Court below shall effect return of the vehicle to the revision petitioner after causing necessary photographs and panchanama. The panchanama shall be drawn up by an officer of the Court in the presence of two Panchayatdhars and in the immediate presence of the Presiding Officer of the Court.

(v) The petitioner shall file an affidavit of undertaking to the effect that he will produce the vehicle in question as and when it was directed to be produced by the Court below during the course of trial.

6. With the above terms, the Criminal Revision Petition is ordered.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

ssv

To

1. The Judicial Magistrate No.V,
Salem.
2. The Inspector of Police,
Ammappettai Police Station,
Salem.
3. The Public Prosecutor,
Madras High Court,
Madras.

+1cc to Mr.E.Ezhil Caroline, Advocate, S.R.No.40575

KM(CO)
CA(14/08/2015)

CrI.R.C.No.772 of 2015

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