

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.8.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.844 of 2015

T.Aprose

.. Petitioner/Petitioner/
3rd Accused

Versus

The State
Rep.by Sub Inspector of Police
Kaveripakkam Police Station
Vellore District

.. Respondent/Respondent/
Complainant

Criminal Revision Petition filed under Sections 397 and 401 of Cr.P.C. to call for the records relevant to the order in CrI.MP.No.1869 of 2015 dated 22.6.2015 passed by the learned District Munsif cum Judicial Magistrate No.1, Walajapet and set aside the same and thereby allow the Criminal Revision petition.

For Petitioner : Mr.M.V.Muralidaran
For Respondent : Mr.V.Arul
Government Advocate (CrI.side)

ORDER

The petitioner has filed the above Criminal Revision Petition challenging the order dated 22.6.2015 passed by the Court below in rejecting the application filed by the petitioner under Section 451 of Cr.P.C. for return of vehicle, namely, MAHENDRA BOLERO CAR, bearing Registration No.KA 25M 7131.

2. The respondent seized the vehicle in question in connection with the case in Crime No.545/2014 on the file of the respondent for the commission of alleged offence under Section 399 of IPC and was kept under the custody of the respondent police station. The petitioner filed a petition before the Court below under Section 451 of the Criminal Procedure Code seeking custody of the vehicle. Since the same was dismissed, the petitioner has filed this revision case.

3. The learned counsel for the petitioner submitted that the petitioner has purchased the vehicle from one Abudl Azeem on 25.5.2015 and after seizure, the vehicle is parked in the police station in the open place and it is exposed to sun, rain and dust. If the custody of the vehicle is not handed over to the petitioner, the value of the vehicle will be diminished. The learned counsel also submitted that he is willing to return the vehicle as and when

required and he will not alienate the vehicle till the disposal of the case. Therefore, the learned counsel appearing for the petitioner prayed this Court to allow this Criminal Revision Petition.

4. I have also heard the learned Government Advocate (Criminal Side) appearing on behalf of the respondent and perused the materials available on record.

5. It appears that the vehicle in question was seized in connection with the case in Crime No.545 of 2014. The petitioner purchased the vehicle recently after the crime was committed and he is not the original owner on the date of incident. As rightly pointed out by the Court below, the petitioner has invented this purchase to hide the real owner.

6. In view of such circumstances, I do not find any reason to interfere with the reasoned order passed by the Court below.

7. It is made clear that if the real owner filed any application for return of vehicle, the same shall be considered by the Court below.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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1. The District Munsif - cum -
Judicial Magistrate No.1,
Walajapet.

2. The Sub -Inspector of Police,
Kaveripakkam police Station,
Vellore District.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.V. Muralidaran, Advocate Sr.42677

Cr1 RC No.844 of 2015

GR(CO)
Eu 10.09.15