

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 1615 of 2008

Paneer Selvam

.. Petitioner/petitioner

Versus

State represented by
The Station House Officer
Ariyalur Police Station
Ariyalur (Crime No:479/2002)

.. Respondent/Complainant

Revision Petition filed under Sections 397 read with Sec. 401 of Cr.P.C. praying to set aside the order dated 30.06.2008 passed in CrI.M.P. No. 94 of 2008 in CrI.M.P. No. 326 of 2007 in S.C. No. 61 of 2003 on the file of the Chief Judicial Magistrate, Perambalur.

For Petitioner : Mr. K. Gandhi Kumar

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

ORDER

The petitioner has come forward with this Criminal Revision Case aggrieved by the order dated 30.06.2008 passed by the court below. By the said order dated 30.06.2008, the petitioner's application filed under Section 451 and 452 of Cr.P.C. for return of the vehicle - Tata Sumo bearing Registration No. TN 46 A 9606 was dismissed.

2. It is seen from the records that the vehicle in question was seized by the respondent police in connection with the case in Crime No. 479 of 2002 and during the course of trial in the S.C. No. 61 of 2003, the vehicle was marked as Material Object No.1. It is now brought to the notice of this Court by the counsel for both sides that the Sessions Case itself was disposed of by a judgment dated 26.02.2006 and the accused therein was acquitted of all the charges. However, in the judgment dated 26.02.2006, an observation was made that separate orders will be passed for release of the vehicle. As there was no such separate order was passed, the petitioner filed CrI.M.P. No. 94 of 2008 in CrI.M.P. No. 326 of 2007 in S.C. No. 61 of 2003 for return of the vehicle, but it was erroneously dismissed by the court below.

3. I heard the learned counsel for both sides. The fact remains that the vehicle was seized by the respondent police in connection with the case in Crime No. 479 of 2002 which culminated in the judgment dated 26.02.2006 passed in S.C. No. 61 of 2003. When the Sessions Case itself was concluded, there is no impediment for the Court below to release the vehicle. However, the court below erroneously dismissed the application for return of the vehicle.

4. At this stage, the learned Government Advocate (Crl.side) on instruction submits that the vehicle shall be released to the custody the revision petitioner on proper identification.

5. The vehicle is stationed in the respondent police station for about 13 years. Having regard to the above fact, the order passed by the trial Court is set aside and a direction is issued to the respondent police to release the vehicle in question to the custody of the revision petitioner in as is where is condition and on production of documentary evidence to prove the ownership of the vehicle. Accordingly, the Criminal Revision Case is allowed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Chief Judicial Magistrate
Perambalur.

Crl RC No. 1615 of 2008

Vgi[co]
srg 03.08.2015

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