

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 6.7.2015.

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Criminal Revision Case No.671 of 2013
and
M.P.No.1 of 2013

The Forest Range Officer,
Sirumugai,
Coimbatore District.

... Petitioner/Complainant

vs.

Chinnapandi

... Respondent/Owner of the Vehicle

Criminal Revision Case filed against the order dated 25.4.2013 passed by the Judicial Magistrate, Mettupalayam in C.M.P.No.2490 of 2013 in WLOR No.1 of 2013.

For Petitioner : Mr.K.Subramanian

For Respondents : No appearance.

ORDER

Even though notice was served on the respondent, none appears for the respondent.

2. Learned counsel appearing for the petitioner would contend that the lower court, without taking cue from the case of the prosecution that the vehicle was used for hunting using country made gun and it is not a licensed one, and therefore, if the vehicle in question is returned to the respondent, it will create further trouble and it will not be possible to get back the same and it may also be misused, ordered return of property and therefore, the order of the lower court has to be set aside.

3. On a careful consideration and taking into consideration that the a country made gun, especially according to the prosecution, it is an unlicensed gun, was used for hunting involving the vehicle in

question, return of property will not arise during the pendency of the trial. Therefore, the order is liable to be set aside.

4. In the result, the criminal revision case is allowed. The order of the court below is set aside. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. The Judicial Magistrate,
Mettupalayam
2. -do- Through The Chief Judicial Magistrate,
Coimbatore.

Crl.R.C.No.671 of 2013

SKV(CO)
CA(07/08/2015)



WEB COPY