



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.08.2015

CORAM:

THE HONOURABLE Mrs.JUSTICE S.VIMALA

Cr1.R.C.(MD)No.286 of 2015

R.Vinothkumar

... Petitioner

Vs.

1.The Sub Inspector of Police,
Sellur Police Station,
Madurai City.

2.K.Arunjunai

... Respondents

PRAYER: This Criminal Revision Case is filed under Section 397 r/w 401 Cr.P.C., to set aside the order passed by the learned Judicial Magistrate No.II, Madurai in Cr.M.P.No.3139 of 2015 dated 22.06.2015.

For Petitioner : Mr.S.Mahendrapathy

For Respondent : Mr.P.Kandasamy, G.A.(Cr1.side) for R1
Mr.D.Rameshkumar for R2

ORDER

The revision petitioner has filed a Criminal Miscellaneous petition in Cr.M.P.No.3139 of 2015 for return of TVS Scooty vehicle bearing registration No.TN-58/E-4981.

2.According to the revision petitioner, he had already preferred a complaint, alleging the theft of the said vehicle and a case has been registered in Crime No.628 of 2015 under Section 379 IPC. It is the further case of the petitioner that he purchased the said vehicle from one Arunchunai, who is the 2nd respondent herein. The Registration Certificate (RC) of the vehicle stands in the name of the 2nd respondent and Form No.29 has also been filed before the Trial Court. The court below has dismissed the petition on the ground that no document proof has been filed to show that the petitioner herein is the owner of the property. The respondents herein have also stated that they have no objection for return the vehicle to the petitioner. The petition in Cr.M.P.No.3139 of 2015 has been dismissed by the Trial Court only on the ground that no document is filed.

3.The document produced before this Court clearly shows that originally the ownership of the said vehicle had been with the 2nd respondent herein. He has transferred the property in favour of the petitioner herein with the notice to the registering authority stating that he has no objection for the transfer of insurance and transfer of ownership in favour of the petitioner herein. Under such circumstances, the lower court ought to have handed over the vehicle to petitioner especially when the petitioner has already given a compliant of theft.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Therefore, the order refusing to return the vehicle bearing



registration No.TN-58/E-4981 stands set aside and the Criminal Revision petition is allowed. The learned Judicial Magistrate No.II, Madurai is directed to return the vehicle with the condition that the vehicle shall not be sold till the trial is over.

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/True Copy/

Sd/-
Assistant Registrar

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II, Madurai.

2.The Sub Inspector of Police,
Sellur Police Station,
Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

1CC to Mr.S. Mahendrapathy, Advocate SR.No.38922.

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2P/5C
AM/GSV.PM/SAR-II/10.09.2015.