



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2015

CORAM:

THE HON'BLE MRS.JUSTICE S.VIMALA

Crl.R.C.(MD) No.533 of 2015

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Murugan

... Petitioner

-vs-

State Rep. by
The Sub Inspector of Police,
Kadambur All Women Police Station,
Thoothukudi District.
(Cr.No.3 of 2015)

... Respondent

Prayer: Criminal Revision Petition is filed under Sections 397(1) r/w 401 Cr.P.C. against the order dated 25.09.2015 passed in Cr.M.P.No.466 of 2015 on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, Thoothukudi District.

For Petitioner : Mr.A.Thiruvadi Kumar
For Respondent : Mr.P.Kandasamy
Govt. Advocate (crl. side)

O R D E R

This Criminal Revision Petition has been filed by the third party/owner of the property seeking return of the vehicle viz., Splendor Plus bearing Registration No.TN AC 6078.

2.According to the case of the prosecution, the petitioner handed over this vehicle to his cousin Sudalaimani, who is alleged to have committed the offence under Section 366(A) IPC and Section 4 of Protection of Children from Sexual Offence Act, 2012.

3.It is not the case of the prosecution that this vehicle is involved in the commission of the offence. More over, the petition is filed by the third party/owner. It is the case of the petitioner that if the vehicle is kept in the open sky, it may be exposed to hot sun and rain and the value of the property get diminished. This submission merits acceptance.

4.Under such circumstances, the order dated 25.09.2015 passed in Cr.M.P.No.466 of 2015 by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, Thoothukudi District is set aside. The Trial Court is directed to release the vehicle bearing Reg.No.TN-72-AC6078 to the petitioner, subject to the following conditions:-

"(i) The petitioner shall produce documents before the Court below to establish the ownership of the vehicle in question;



(ii) The petitioner shall execute an own bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a likesum to the satisfaction of learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, Thoothukudi District;

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(iii) The petitioner shall give an undertaking that he will not allow the vehicle to be used for any illegal activities in future;

(iv) On doing so, the vehicle in question shall be returned to the petitioner;

(v) The Trial Court, while returning the vehicle, shall retain the original R.C.Book of the vehicle and in case, the R.C.Book is available with the petitioner, he shall surrender the same before the Court and obtain a certified copy of the R.C.Book for the purpose of using it along with the vehicle;

(vi) The vehicle shall not be sold, mortgaged and alienated till the disposal of the proceedings before the authority concerned and shall produce the same before the concerned Court as and when required.

5. This Criminal Revision Petition is ordered accordingly.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, Thoothukudi District.

2.The Sub Inspector of Police,
Kadambur All Women Police Station,
Thoothukudi District.

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

+1cc to Mr.A.Thiruvadikumar, Advocate SR.No.63986

Cr1.R.C.(MD) No.533 of 2015
30.10.2015

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NS/NGM-SS/06.11.2015 : 2P/5C