

THE HON'BLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.1117 OF 2015

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ORDER:

This Criminal Revision Case is filed against order, dated 14.05.2015, passed in CrI.M.P. No.333 of 2015 in Cr. No.159 of 2015, by the Judicial Magistrate of First Class, Thungathurthy, Nalgonda District.

The brief facts of the case are that, while the de facto complainant and his friends were in the house of one of his friends and watching TV at about 7.30 p.m. on 02.12.2014, the accused came there and asked the de facto complainant and his friends to come out of the house and tried to catch the de facto complainant. But, the de facto complainant escaped from their hands. The accused caught hold of one of the friends of the de facto complainant, by name, Umesh by chasing and beat him with stones, and all the accused fled away on the Bolero motor vehicle bearing registration No.TS 05 ED 2866. Thereafter, the de facto complainant and his friends found said Umesh near Water Tank in the outskirts of the village in unconscious condition with bleeding injuries and immediately, they shifted him to the hospital. On 03.12.2015, the de facto complainant lodged a complaint before the Police, Noothankal police station. Basing on the said complaint, Crime No.159 of 2014 was registered against the petitioner and 9 others, for the offences punishable under Sections 307, 147, 148 read with 149 IPC. The police seized the vehicle and deposited the same before the Court.

The petitioner, who is A1 in the above said crime, filed CrI.M.P. No.333 of 2015 before the Judicial Magistrate of First Class, Thungathurthy, for interim custody of the vehicle stating that he is the owner of the vehicle. The learned Magistrate dismissed the said application on the ground that the investigation is not yet completed.

Against the said dismissal order, the present revision case is filed.

Learned counsel for the petitioner submitted that the Court below has erroneously dismissed the application of the petitioner and the petitioner is the owner of the vehicle and the petitioner was not arrested at the scene of offence, and if the vehicle is exposed to sun and rain and is kept idle, it would get damaged. He further submitted that the petitioner is ready and willing to furnish sufficient surety for release of the vehicle.

Learned Public Prosecutor submitted that the investigation is not yet completed and some of the witnesses have to be examined and hence, the revision may be dismissed.

From a perusal of the record, it is evident that after commission of the offence, the petitioner and other accused escaped from the place of offence on the subject vehicle. The police seized the vehicle and deposited the same in the Court. Further, it is stated by the learned Public Prosecutor that the investigation is also pending. Considering these circumstances, this Court is not inclined interfere with order passed by the Court below.

Hence, the Criminal Revision Case is dismissed.
Miscellaneous petitions, pending if any, shall stand closed.

RAJA ELANGO, J

June 26, 2015.
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