

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1348 of 2015

V.Ravi

.. Petitioner

Vs

State represented by
The Inspector of Police
B-5, Harbour Police Station
Chennai
Crime No.25 of 2015

.. Respondent

Criminal Revision filed under sections 397 and 401 of Criminal Procedure Code against the order dated 07.12.2015 in C.M.P.No.2860 of 2015 in Crime No.25 of 2015 passed by the learned XVI Metropolitan Magistrate, Chennai.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.C.Iyyapparaj, G.A.(Crl.side)

O R D E R

The petitioner challenges the order of the learned Metropolitan Magistrate XVI, Chennai, passed in C.M.P.No.2860 of 2015 dated 07.12.2015, rejecting the petition filed for return of vehicle.

2. The respondent has seized a Bajaj Avenger DTSI bearing No.TN-05-AY-6363 belonging to the petitioner in connection with the case registered in Crime No.25 of 2015 on its file for offence under Section 380 IPC. The petitioner has moved C.M.P.No.2860 of 2015 before the learned Metropolitan Magistrate XVI, Chennai, seeking return of the vehicle. Such petition came to be dismissed under orders of the Court below dated 07.12.2015 and hence, this revision.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor.

4. Learned counsel for the petitioner would seek to impress upon this Court that a false case stands foisted upon the petitioner.

5. Learned Govt. Advocate (Crl. side) submits that the vehicle return of which is sought has been purchased out of ill-gotten monies and as such the respondent intends to move towards attachment under the Criminal Law Amendment Ordinance 1947.

6. In the circumstances above stated, this Court would set aside the order of the Court below negating the return of vehicle. This court is of the considered view that no prejudice would be caused to the prosecution in the event of granting the relief of interim custody of the vehicle to the petitioner. Learned Metropolitan Magistrate XVI, Chennai, is directed to return the vehicle viz., Bajaj Discover DTSI bearing No. TN-05-AY-6363 to the petitioner on fulfilling the following conditions:

- i. the petitioner shall establish the ownership of the vehicle by producing necessary original certificates before the respondent police and as well as before the learned Metropolitan Magistrate and the learned Metropolitan Magistrate on verification, shall retain the original documents, if necessary and cause forwarding thereof to the confiscating authority in the event of confiscation;
- ii. the petitioner shall not alienate the vehicle in any manner till adjudication is over;
- iii. the petitioner shall execute a personal bond in a sum of Rs. 10,000/- (Rupees ten thousand only) to the satisfaction of the learned Metropolitan Magistrate XIV, Chennai; and
- iv. the petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the confiscating authority.
- v. In the event of an order of confiscation being passed under the Criminal Law Amendment ordinance and upon the same being informed to the trial court, the certificates and other originals held in pursuance of this order shall be forwarded to the confiscating authority.

7. Accordingly, the Criminal Revision is ordered.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The XVI Metropolitan Magistrate, Chennai.

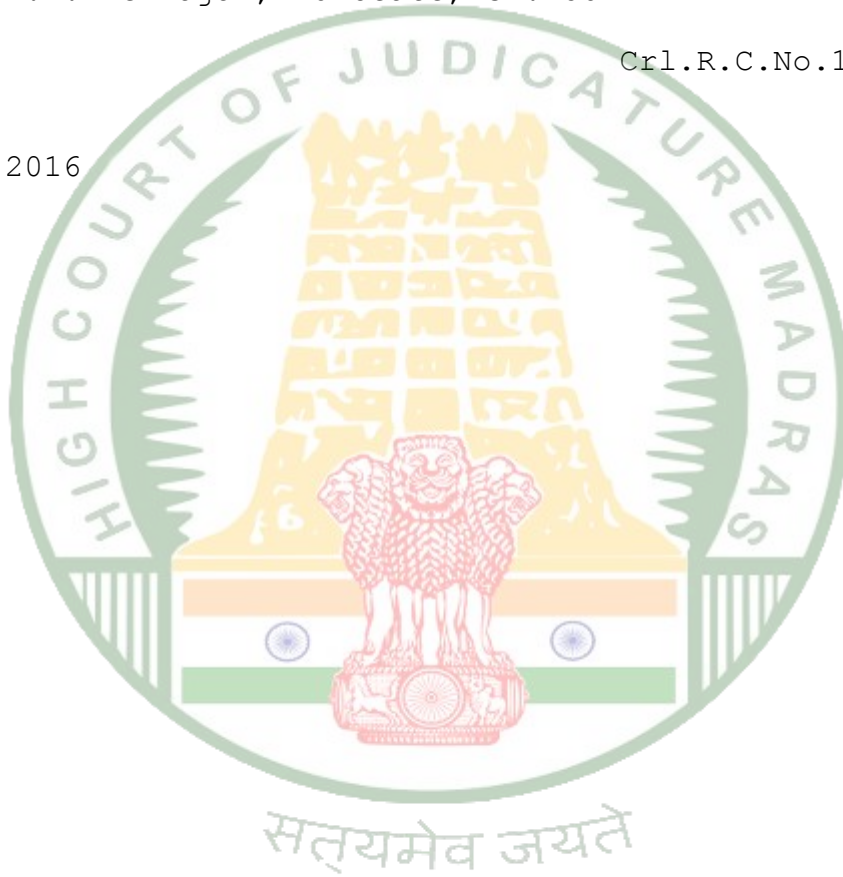
2.The Inspector of Police,
B-5,Harbour Police Station
Chennai

3.The Additional Public Prosecutor,
High Court, Madras.

+1 cc to Mr.K.Thenrajan, Advocate, sr.158

Cr1.R.C.No.1348 of 2015

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kra 28.01.2016



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