

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2016

(Orders Reserved on : 04.07.2016)

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Crl.R.C.No.842 of 2015

Sadaiyappan

... Petitioner

Vs.

1. The Inspector of Police,
Thammampatti Police Station,
Thammampatti,
Gangavalli Taluk,
Salem District.

2. Angamuthu ... Respondents
(R-2 is impleaded as per the
order of this Court dated 14.03.2016
made in Crl.M.P.No.2879 of 2016 in
Crl.R.C.No.842/2015.)

Prayer: Criminal Revision Case filed under Section 397
r/w.401 of the Code of Criminal Procedure, against the
judgment dated 27.08.2014 made in C.M.P.No.3488 of 2014 on the
file of the Judicial Magistrate No.2, Attur, dismissing the
petition to return of the Vehicle bearing Registration No.TN-
30-T1217 for interim custody of the petitioner under Section
451 of Cr.P.C.

For Petitioner : Mr.V.R.Rajasekaran

For R-1 : Mr.M.Mohamed Riyaz,
Government Advocate (Crl.Side)

For R-2 : No Appearance

ORDER

This Criminal Revision Case is directed against the order
dated 27.08.2014 passed by the learned Judicial Magistrate
No.2, Attur, in C.M.P.No.3488 of 2014, dismissing the petition
filed for return of the Vehicle bearing Registration No.TN-30-
T1217 for interim custody.

2. The learned counsel appearing for the petitioner would contend that the trial Court ought to have seen that the petitioner is the owner of the vehicle and the return of the vehicle to the petitioner would not hamper the investigation or the case of the prosecution in any manner. The trial Court ought to have seen that the fourth accused was granted anticipatory bail and he is not absconding as alleged by the first respondent police. The learned counsel for the petitioner further contended that since the petitioner is the owner of the vehicle, it may be returned to him with some conditions.

3. The learned Government Advocate (Crl.Side) appearing for the first respondent would contend that the trial Court, after considering the facts and circumstances of the case, dismissed the petition filed for return of the vehicle and there is no infirmity or illegality in the order passed by the learned Judicial Magistrate No.2, Attur and hence, he prayed that the Criminal Revision Case may be dismissed.

4. In this case, the second respondent, who is the de facto complainant, was impleaded as a party to the proceedings as per the order of this Court dated 14.03.2016 made in Crl.M.P.No.2879 of 2016 in Crl.R.C.No.842/2015. But, when the matter was taken up for hearing, there is no representation on behalf of the second respondent.

5. This Court perused the records. On verification of records, it is seen that the vehicle stands in the name of A.4 and subsequently, pending investigation, vehicle was transferred to the name of the revision petitioner/first accused. The vehicle concerned in this petition is involved in the offence. Hence, it is an important material to prove objections in the trial.

6. In view of the above circumstances, since already during the pendency of the investigation, the vehicle was transferred and it was handed over to the present petitioner, if he in turn transferred the vehicle to some other person, it will affect the trial of the case. In the said circumstances, the trial Court dismissed the petition filed by the petitioner for return of the vehicle.

7. Hence, this Court is of the considered view that there is no infirmity or illegality in the order passed by the trial Court. This Court finds no reason to interfere with the order dated 27.08.2014 passed by the learned Judicial Magistrate No.2, Attur, in C.M.P.No.3488 of 2014, which do not warrant any interference by this Court and hence, the criminal revision case is liable to be dismissed.

8. In the result, this Criminal Revision Case is dismissed. The learned Judicial Magistrate No.2, Attur, is directed to post the main case on day-to-day basis and to dispose the same, within a period of four months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Jr1

To

1. The Judicial Magistrate No.2,
Attur.

2. The Inspector of Police,
Thammampatti Police Station,
Thammampatti,
Gangavalli Taluk,
Salem District.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.V.R. Rajasekaran, S.R.No.45985

+ 1 cc to Mr.K. Venkatesan, Advocate SR.45984

PA(CO)
EU(26/08/2016)

सत्यमेव जयते

Cr1.R.C.No.842 of 2015

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