

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.08.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.1005 of 2016

P.Thirumuruga Veerapandiyan

.. Petitioner

Vs.

The Inspector of Police,
Hasthampatty Police Station,
Salem District.

.. Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to call for the records pertaining to the impugned order in CMP.No.3708 of 2016 in Cr.No.233 of 2016 dated 19.07.2016 from the Judicial Magistrate No.3, Salem and set aside the same and consequently to direct the respondent to return the vehicle viz., Bolero car bearing No.TN46 L 1617 to the petitioner.

For Petitioner : Mr.P.Vijendran

For Respondent : M/s.M.F.Shabana, GA (Crl.side)

ORDER

The criminal revision petition is directed against the order passed by the learned Judicial Magistrate No.III, Salem made in CMP.No.3708 of 2016 in Cr.No.233 of 2016 dated 19.07.2016 dismissing the application filed by the petitioner for custody of the vehicle.

2. The learned counsel for the petitioner would contend that he used to attend various functions including the family members, the petitioner did not noted the pipe bomb planted under his vehicle Bolero car bearing Registration No.TN 46 L 1617 and the petitioner send his vehicle to water service centre, at that time, the service men found implantation of the pipe bomb under the vehicle of the complainant and complaint was given to the Inspector of Police, Hasthampatty Police Station, Salem and case was registered in Cr.No.233 of 2016. The said bomb was removed from the car and investigation was pending.

The petitioner is ready and willing to produce the vehicle for investigation before the trial court, as and when required, without perusing the facts and circumstances, the trial Court erroneously dismissed the application and the prays to set aside the order of the trial Court and allow the criminal revision.

3.The learned Government Advocate (crl.side) admitted that car belongs to the petitioner, the pipe bomb was implanted under the vehicle of the petitioner, as against which complaint was preferred by the petitioner and the bomb was removed from the car and investigation is in progress.

4.Heard the rival submissions made on both sides and perused the records.

5.At this juncture, the bomb was already removed from the car, the investigation is pending, this Court inclined to return the car to the petitioner, on imposing following conditions :-

(i)the petitioner shall return the original RC book pertaining to the Bolero car bearing Registration No. TN 46 L 1617, before the learned Judicial Magistrate No.III, Salem.

(ii)the petitioner shall furnish surety for Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Salem.

(iii)the car returned to the petitioner shall not be altered or encumbered by way of pledge, sale etc. and

(iv)the petitioner shall produce the car returned to him, before the respondent police and the trial court during trial, as and when required."

6.In the result, this Criminal Revision is allowed by setting aside the order dated 19.07.2016 made in CMP.No.3708 of 2016 in Cr.No.233 of 2016 on the file of the Judicial Magistrate No.III, Salem and the Judicial Magistrate No.III, Salem is directed to return the car to the petitioner, subject to the conditions stated supra.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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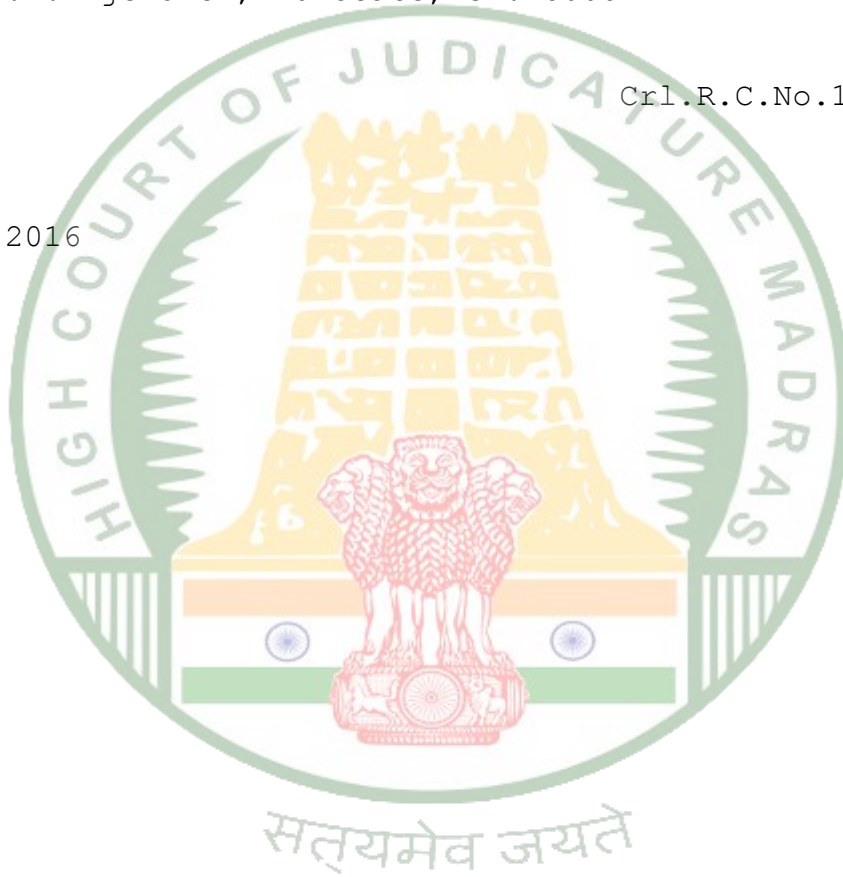
To

- 1.The Judicial Magistrate Court No.III, Salem
2. Do Thro The Chief Judicial Magistrate, Salem.
- 3.The Inspector of Police, Hastrompatty Police Station, Salem District.
- 4.The Public Prosecutor, High Court, Madras.

1 cc to Mr.P.Vijendren, Advocate, sr.45008

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kra 24.08.2016



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