

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Crl.R.C.No.1109 of 2016

Karthikeyan

... Petitioner

Vs.

State, Rep. by the Inspector of Police,
J4, Kotturpuram Police Station,
Cr.No.907 of 2016.

.... Respondent

Prayer: Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure, against the judgment dated 13.07.2016 passed in Crl.M.P.No.1430 of 2016, on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.N.Subramani
For Respondent : Mrs.M.F.Shabana,
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case is directed against the order dated 13.07.2016 passed by the learned IX Metropolitan Magistrate, Saidapet, Chennai, in Crl.M.P.No.1430 of 2016.

2. The learned counsel appearing for the petitioner would contend that the petitioner is an accused in Crime No.907 of 2016 for the offence under Section 379 IPC and he filed a petition in Crl.M.P.No.1430 of 2016 before the trial Court under Section 451 Cr.P.C. seeking interim custody of the vehicle viz., Pulsar 150CC (Black colour) bearing Registration No.TN-01-AW-5008. The trial Court, without considering the arguments of the learned counsel for the petitioner and also the merits of the case, erroneously dismissed the said petition, though the petitioner has produced the relevant documents to prove his ownership to the vehicle. Hence, the order of the trial Court has to be set aside and the Criminal Revision Case has to be allowed.

3. The learned Government Advocate (Crl.Side) would vehemently contend that the trial Court, after analyzing the

entire facts and circumstances of the case, dismissed the petition filed by the petitioner. It is further contended that in this case, investigation is only preliminary stage and the accused is involved in the chain snatching case from the de facto complainant. Hence, there is no illegality or infirmity in the order passed by the trial Court and therefore, the learned Government Advocate prayed that the criminal revision case has to be dismissed.

4. It is admitted that the present petitioner is the owner of the vehicle viz., Pulsar 150CC (Black colour) bearing Registration No.TN-01-AW-5008 and he is an accused in chain snatching case from the de facto complainant and the case is under investigation. Since the petitioner has involved in the grave offence of chain snatching from the de facto complainant and further, the investigation in this case is pending, this Court is of the considered view that the petitioner is not entitled for interim custody of the vehicle. The trial Court, after appreciating the above facts, correctly dismissed the petition filed by the petitioner. There is no infirmity or illegality in the order dated 13.07.2016 passed by the learned IX Metropolitan Magistrate, Saidapet, Chennai, in CrI.M.P.No.1430 of 2016. This Court finds no reason to interfere with the order passed by the trial Court which does not warrant any interference by this Court and hence, the criminal revision case is liable to be dismissed and accordingly, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

To

1. The IX Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
J4, Kotturpuram Police Station,
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Subramani. Advocate, S.R.No.
(CO) TM
CP(20/10/2016)

CrI.R.C.No.1109 of 2016