

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1414 of 2016

R.Prabakaran

S/o.Radhakrishnan

.. Petitioner/Petitioner/Claimant

vs.

The State represented by
Inspector of Police,
Fair Land Police Station,
Salem.

.. Respondent/Respondent/Complainant

Criminal Revision filed under Section 397 and 401 Cr.P.C.
against the order of learned Judicial Magistrate V, Salem,
passed in Crl.M.P.No.3884 of 2016 in Crime No.184 of 2016 on
28.07.2016.

For Petitioner : Mr.M.R.Radhakrishnan

For Respondent : Mr.K.Madhan
Government Advocate [Crl.side]

O R D E R

This revision arises against the order of learned Judicial
Magistrate V, Salem, passed in Crl.M.P.No.3884 of 2016 in Crime
No.184 of 2016 on 28.07.2016.

2. The prosecution case is that the accused took delivery
of the Car belonging to the de facto complainant by forwarding
forged demand drafts for the agreed consideration. Pursuant to
the accused having been put in possession of the Car and
necessary documents for effecting registration thereof, the
accused has effected sale of the Car to the petitioner. The
ownership of the vehicle duly stands registered in the name of
the petitioner. It is not the prosecution case that this
petitioner had anything to do with the wrong doing of the
accused. Based on the complaint of de facto complainant, a case
in Crime No.184 of 2016 on the file of respondent for offences

u/s.464, 465, 468, 471 and 420 IPC was registered. Pursuant thereto, the Car viz., Hyundai i10 Magna bearing registration No.TN-30-AE-8494 was seized by the respondent. Petitioner has sought a direction regards the vehicle u/s.451 Cr.P.C. which has been dismissed, giving rise to this revision.

3. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

4. In the attendant facts and circumstances of the case, 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 Car viz., Hyundai i10 Magna bearing registration No.TN-30-AE-8494 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 Magistrate and the learned Magistrate on verification, shall retain the original documents, if necessary;
- ii.the petitioner shall not alienate the vehicle in any manner till adjudication is over;
- iii.the petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate V, Salem; and
- iv.the petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities and also to produce the vehicle as and when required.

The Criminal Revision Case is disposed of with the above direction.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gm

To

1.The Judicial Magistrate V,
Salem.

2.The Inspector of Police,
Fair Land Police Station,
Salem.

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3.The Public Prosecutor,
High Court, Madras.

+3ccs to M/s.Radhakrishnan, Advocate for the petitioner sr.69754

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kj (co)
ss(1/2/2017)



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