

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2016

CORAM:

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

Crl.R.C.No.1438 of 2016

K.M.Venkatesh
S/o.Rajan

.. Petitioner

Vs.

State by
The Inspector of Police,
Egmore Railway Police Station,
Chennai - 8.
Crime No.303 of 2016

.. Respondent

Criminal Revision filed under Section 397 (1) and 401 Cr.P.C. against the order of learned IX Metropolitan Magistrate, Saidapet, Chennai, passed in Crl.M.P.No.3160 of 2016 on 08.11.2016.

For Petitioner : Mr.S.Swamidoss Manokaran
For Respondent : Mr.K.Madhan
Government Advocate [Crl.side]

ORDER

Petitioner challenges the order of learned IX Metropolitan Magistrate, Saidapet, Chennai, passed in Crl.M.P.No.3160 of 2016 on 08.11.2016, rejecting the petition filed for return of vehicle.

2. Respondent has seized a Car bearing registration No.TN-03-J-2288, Ford Fiesta, belonging to petitioner in connection with the case registered in Crime No.303 of 2016 on its file for offence under Sections 120(b), 341 and 307 IPC. Petitioner has moved Crl.M.P.No.3160 of 2016 before learned IX Metropolitan Magistrate, Saidapet, Chennai, seeking return of vehicle. Such petition came to be dismissed under orders of the Court below dated 08.11.2016. Hence, this revision.

3. Learned counsel for petitioner would seek to impress upon this Court that a false case stands foisted upon the petitioner. This Court is now concerned with return of property, pure and simple.

4. Learned Additional Public Prosecutor submits that the petitioner is the owner of the vehicle and not an accused in this case.

5. In the circumstances above stated and following the decisions of the Hon'ble Apex Court in *Sunderbhai Ambalal Desai v. State of Gujarat (AIR 2003 Supreme Court 638)* and *General Insurance Council V. State of Andhra Pradesh in 2010 (3) Supreme Pg. 317*, this Court directs as follows:

The Car bearing registration No.TN-03-J-2288, Ford Fiesta, shall be placed in the custody of the petitioner after complying with the following:

i)The Court below shall cause photographs of the vehicle to be taken and record panchanama thereof, the photographs taken shall be read as secondary evidence during trial and production of the vehicle shall be dispensed with.

ii)The vehicle shall then be returned to petitioner, who shall be at liberty to deal with the same in such manner as considered appropriate.

6. The above order is not determinant of the ownership or other rights in respect of the vehicle.

The Criminal Revision is disposed of with the above direction.

29.11.2016

Index:yes/no
Internet:yes/no
gm

C.T. SELVAM, J

gm

To

- 1.The IX Metropolitan Magistrate,
Saidapet,
Chennai.
- 2.The Inspector of Police,
Egmore Railway Police Station,
Chennai - 8.
- 3.The Public Prosecutor,
High Court, Chennai.

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