

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM:

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

Crl.R.C.No.1559 of 2016

P.Anbalagan

.. Petitioner

Vs.

State represented by
The Inspector of Police,
J-1, Saidapet Police Station,
Chennai.

Crime No.1430 of 2016

.. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. praying to call for the records on the file of the learned IX Metropolitan Magistrate Court, Saidapet, in Crl.M.P.No.3319 of 2016 dated 10.11.2016 and set aside the same and direct the learned Metropolitan Magistrate to return the Car bearing Registration No.TN 10 AF 9334 to the custody of the petitioner herein.

For Petitioner : Mr.M.Senthil Kumar
For Respondent : Mr.M.Mohammed Riyaz,
Govt.Advocate (Crl.side)

O R D E R

The petitioner challenges the order of the learned Metropolitan Magistrate IX, Saidapet made in Crl.M.P.No.3319 of 2016 dated 10.11.2016, rejecting the petition filed for return of vehicle.

2. The respondent has seized a car bearing Registration No.TN 10 AF 9334 belonging to the petitioner in connection with the case registered in Crime No.1430 of 2016 on its file for offence under Sections 3 of the TNPPDL Act. The petitioner has moved Crl.M.P.No.3319 of 2016 before the learned Metropolitan Magistrate IX, Saidapet, seeking return of the vehicle. Such petition came to be dismissed under orders of the Court below dated 10.11.2016 and hence, this revision.

3. Learned counsel for the 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 Government Advocate (Crl.side) submits that so far no confiscation proceedings are initiated.

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 TATA Safari car bearing Registration No.TN 10 AF 9334 shall be placed in the custody of the petitioner after complying with the following:

i)The lower Court 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 the 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.

7. In the result, the Criminal Revision is allowed. The order of the learned Metropolitan Magistrate IX, Saidapet, passed in Crl.M.P.No.3319 of 2016 dated 10.11.2016 is set aside.

Sd/-
सत्यमेव जयते

Assistant Registrar

//True Copy//

WEB COPY

Sub Assistant Registrar

TO

1.The IX Metropolitan Magistrate,
Saidapet, Chennai.

2. -do- thro The Chief Metropolitan Magistrate,
Egmore, Chennai.

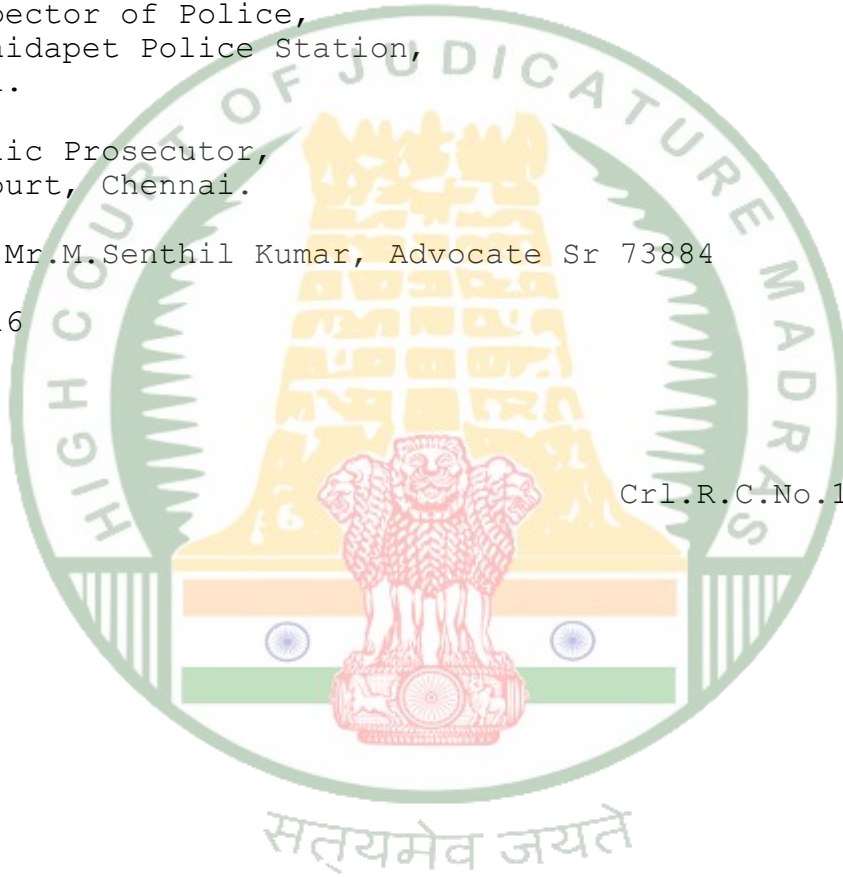
3.The Inspector of Police,
J-1, Saidapet Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Chennai.

+ 1 cc to Mr.M.Senthil Kumar, Advocate Sr 73884

KR/20/12/16

Crl.R.C.No.1559 of 2016



WEB COPY