

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2016

CORAM:

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

Crl.R.C.No.38 of 2016

Sangeetha

.. Petitioner

Vs.

State represented by
Inspector of Police,
Udumalpet Police Station
Tirupur District

... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. praying to set aside the order passed by the learned Judicial Magistrate I, Udumalpet made in Crl.M.P.No.7933 of 2015 dated 07.12.2015.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.C.Iyyapparaj
Government Advocate (Crl.side)

O R D E R

The petitioner challenges the order of the learned Judicial Magistrate I, Udumalpet, passed in Crl.M.P.No.7933 of 2015 dated 07.12.2015, rejecting the petition filed for return of vehicle.

2. The respondent has seized a Mahindra XUV bearing Registration No.TN 37 CHT 0179 belonging to the petitioner in connection with the case registered in Crime No.481 of 2015 on its file for offences under Sections 147, 148, 324 and 302 IPC. The petitioner has moved Crl.M.P.No.7933 of 2015 before the learned Judicial Magistrate I, Udumalpet, seeking return of the vehicle. Such petition came to be dismissed under orders of the Court below dated 07.12.2015 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.

4. Learned Government Advocate (Crl.side) submits that the petitioner is the owner of the vehicle. He would further submit that the petitioner is not an accused in this case.

5. In the circumstances above stated and considering the fact that the petitioner is the owner of the vehicle 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 Mahindra XUV Car bearing Registration No.TN 37 CHT 0179 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 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 Judicial Magistrate I, Udumalpet, passed in C.M.P.No.7933 of 2015 dated 07.12.2015 is set aside.

sd/-
Assistant Registrar (CCC)

/TRUE COPY/

Sub-Assistant Registrar

gpa

To

1.The Judicial Magistrate I
Udumalpet

2.Do thro The Chief Judicial Magistrate,
Tirupur

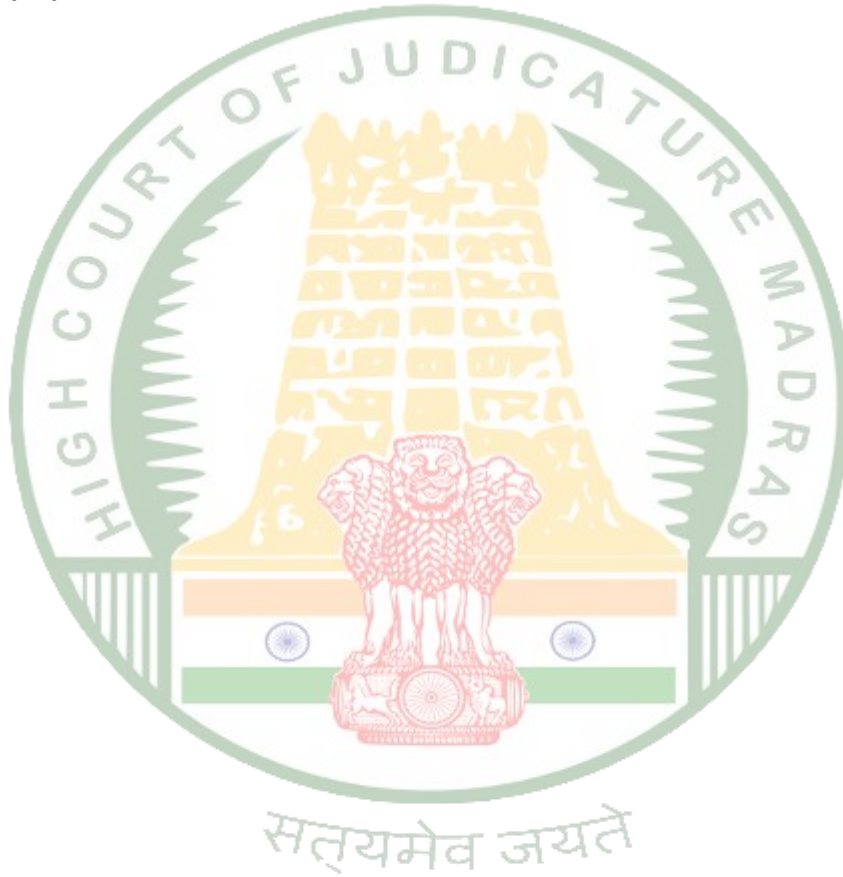
3. The Inspector of Police,
Udumalpet Police Station
Tirupur District

4.The Additional Public Prosecutor,
High Court, Chennai.

+1 CC to MR.C.S.Saravanan Advocate. SR.NO. 1639

Cr1.R.C.No.38 of 2016

CO-RSY
JD 18/01/2016



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