

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2016

CORAM

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Cr1.R.C.No.455 of 2016

Ramesh

... Petitioner

Vs.

The Sub Inspector of Police,
Sathyamangalam Police Station,
Sathyamangalam.

... Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 12.01.2016 made in CMP.No.7055 of 2015 in Cr.No.450 of 2015 passed by the Judicial Magistrate, Sathyamangalam.

For Petitioner : Mr.V.Raghupathi

For Respondent : Mrs.M.F.Shabana,
Government Advocate (Cr1.side)

ORDER

The criminal revision is directed against the order passed by the learned Judicial Magistrate, Sathyamangalam made in CMP.No.7055 of 2015 in Cr.No.450 of 2015, dated 12.01.2016, dismissing the application filed by the petitioner for return of property.

2.The learned counsel for the petitioner would mainly contend that the petitioner filed application for return of Ashok Leyland lorry bearing Registration No.KA01 AE 0135 which belongs to the petitioner. The trial Court without considering the merits of the case dismissed the application stating that there was alteration in Engine and Chassis numbers, awaiting forensic report the petitioner is not entitled for interim custody of the property. The learned counsel prays to set aside the order of the trial Court and to allow the revision petition.

3.The learned Government Advocate (Cr1.side) vehemently contended that in this case, the petitioner filed return of

property of the vehicle Lorry bearing Registration No.KA01 AE 0135. On verification it is found that the registration number was altered with some other Registration No.KA01 D 1747, and there is alteration in engine and chassis number were sent to forensic science department for investigation by the forensic department, they have sent the report to the police stating that alteration has been done in the lorry, hence, the investigation is pending and there is no illegality or infirmity in the order passed by the trial Court and prays for dismissal of the revision petition.

4.Admittedly, the petitioner has given complainant for missing of lorry bearing Registration No.KA01 AE 135, but the lorry KA01 D 1747 was seized by the police and it was in the custody of the Court. It is also admitted that there was change of alteration of Engine and Chassis number in the lorry. In view of the above circumstances, the matter was referred to forensic science department for expert opinion. As per report of the expert opinion, the engine number and chassis number of the lorry was changed and the same is under investigation. Since the engine number and chassis number of the lorry was changed, the trial Court correctly dismissed the application filed by the petitioner. This Court finds there is no illegality or infirmity in the order passed by the trial Court and the same does not warrant any interference by this Court.

5.In the result, the criminal revision petition stands dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate,
Sathyamangalam.
- 2.Do Through The Chief Judicial Magistrate,
Erode.
- 3.The Public Prosecutor,
High Court, Madras.

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GJ(CO)
CA(06/10/2016)