

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.60 of 2016

1.R.Agastheeswaramurthy
2.C.Eswaran
3.Ramesh
4.Muthusamy
5.Shanmugam

.. Petitioners/Accused 1, 6,7, 12 & 17

vs.

State represented by
The Inspector of Police
Palladam Police Station
Tiruppur District

.. Respondent/Complainant.

Criminal Revision filed under section 397 and 401 Cr.P.C. against the judgment of learned Judicial Magistrate, Palladam, in S.T.C.No.7322 of 2015 on 30.12.2015 in so far as order of the custody of vehicles in registration NO.TN 38 Q 9785 Omni Bus (1st Petitioner) TN28 AC 5555 Honda Car (3rd Petitioner), TN 42 J 5673 Hero Motor Cycle (5th Petitioner) TN 42 C 2778 Scooty (2nd Petitioner) & TN 39 AV 6602 TVS Excel Super (4th petitioner) and to return the vehicles to the petitioners.

For Petitioner : Mr.S.Gunalan

For Respondent : Mr.C.Iyyapparaj
Government Advocate [Crl.side]

O R D E R

This revision challenges the judgment of learned Judicial Magistrate, Palladam, passed in S.C.No.732/15 on 30.12.2015.

2. Heard learned counsel for petitioners and the learned Government Advocate (Crl.side).

3. 25 accused stood trial for offence u/s. 12 of the T.N. Gaming Act, 1930. The facts of the case are not necessary for the disposal of this revision. In so far as the finding of conviction is concerned, it would be for the petitioners who are accused as also the other accused to seek remedy by way of

appeal, if such a course is considered appropriate. In so far as the order relating to the return of vehicles are considered, it is no body's case that these vehicles were in any manner involved in the offences alleged against the petitioners. It is difficult to understand why return of the vehicles was not sought pending trial. Requiring further detention of the vehicles pending the expiry of the appeal period or the disposal of the appeal if any against the judgment of the trial court would be nothing short of illegality. The Court below is directed to return the vehicles viz., Omni bus bearing registration No.TN-38-Q-9785, Honda Car bearing registration No.TN-28-AC-5555, Hero motor cycle bearing registration No.TN-42-J-5673, Scooty bearing registration No. TN-42-C-2778 and TVS Excel Super bearing registration No. TN-39-AV-6602 Volkswagaon Polo bearing registration No.TN-05-AL-1909 to the petitioners on the petitioners establishing the ownership of their vehicles by producing necessary original certificates before the learned Judicial Magistrate, Palladam.

This Criminal Revision is disposed of with the above direction.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1.The Judicial Magistrate, Palladam

2.The Inspector of Police
Palladam Police Station
Tiruppur District

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S.Gunalan, Advocate, SR 3211

jsv(co)
prk11/3

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