IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.09.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.775 of 2016

Balaji ... Petitioner

Vs.

State rep by
The Inspector of Police,
Thiruttani Police Station,
Thiruvallur District.
(Cr.No.516 of 2015) ... Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to set aside the order dated 01.04.2016 made in Crl.MP.No.409 of 2016 on the file of the Judicial Magistrate, Thirutani, Thiruvallur District.

For Petitioner : Mr.J.Ganesh

For Respondent : Mr.M.Mohammed Riyaz,
Government Advocate (Crl.side)

ORDER

The criminal revision petition is directed against the order passed by the learned Judicial Magistrate, Tiruttani made in Crl.MP.No.409 of 2016 dated 01.04.2016 dismissing the application filed by the petitioner for custody of the vehicle.

2.The learned counsel for the petitioner would contend that the present petitioner is not an accused in the above Cr.No.516 of 2015, but he is the owner of the Auto bearing Registration No.TN 20 E 5686 without his knowledge the vehicle was used for the said crime. The petitioner is willing to give sufficient sureties and he will not alter or tamper the vehicle and undertakes to produce the vehicle as and when required. The investigation is also over, without considering the said facts, the trial Court dismissed the application filed by the petitioner and the learned counsel prays to set aside the order of the trial Court and allow the criminal revision.

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3.The learned Government Advocate (Crl. side) admitted that the investigation is over and the vehicle/Auto of the present petitioner is involved in the said crime, the said Auto was used without the knowledge of the present petitioner.

4.Heard the rival submissions made on both sides and perused the records.

5.Considering the above said fact, the investigation is over, this Court is inclined to return the Auto car to the petitioner, on imposing following conditions :-

(i)the petitioner shall surrender the original RC book pertaining to the Auto bearing Registration No. TN 20 E 5686, before the learned Judicial Magistrate, Tiruttani.

(ii)the petitioner shall furnish surety for Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruttani.

(iii)the Auto returned to the petitioner shall not be altered or encumbered by way of pledge, sale etc. and

(iv)the petitioner shall produce the Auto returned to him, before the respondent police and the trial court during trial, as and when required."

6.In the result, this Criminal Revision is allowed by setting aside the order dated 01.04.2016 made in CMP.No.409 of 2016 on the file of the Judicial Magistrate, Tiruttani and the Judicial Magistrate, Tiruttani is directed to return the Auto to the petitioner, subject to the conditions stated supra.

Sd/-
Assistant Registrar

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//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
  Tiruttani.

2.Do Through the Chief Judicial Magistrate,
  Thiruvallur District.

3.The Inspector of Police,
  Thiruttani Police Station,
  Thiruvallur District.
  (Cr.No.516 of 2015)

4.The Public Prosecutor,
  High Court, Madras.

+1cc to Mr.J.Ganesh, Advocate, S.R.No.55532

Crl.R.C.No.775 of 2016

EV(CO)
PMK(22.10.2016)

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