

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Crl.R.C.No.963 of 2016

Adisayam

... Petitioner/Owner of the property

Vs.

The Inspector of Police,
C-2, Periyapalayam Police Station,
Thiruvallur District.
(Crime No.384 of 2015)

... Respondent/Complainant

Prayer:- Criminal Revision Case filed under Section 397 r/w. 401 of Cr.P.C., against the order dated 07.03.2016 made in Crl.M.P.No.495 of 2016 on the file of the learned District Munsif-cum-Judicial Magistrate, Uthukkottai, Thiruvallur District.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mrs.M.F.Shafana,

Government Advocate (Crl.Side)

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ORDER

This Criminal Revision Case is directed against the order dated 07.03.2016 passed by the learned District Munsif-cum-Judicial Magistrate, Uthukkottai, Thiruvallur District, in Crl.M.P.No.495 of 2016, allowing the petition filed for return of the vehicle.

2. The learned counsel for the petitioner would vehemently contend that the trial Court, at the time of returning the property, directed the petitioner/accused to execute a personal bond for a sum of Rs.5,00,000/- along with personal for like sum and further, directed the petitioner/accused to surrender the original R.C. Book, which is not available with the petitioner and which is only available with the financier. The learned counsel for the petitioner further contended that the above said two conditions imposed by the trial Court are onerous and the petitioner is not in a position to comply with those conditions. Since the value of the vehicle itself is less than Rs.5,00,000/- and the original R.C. Book is not available with the petitioner/accused for the present, the petitioner has filed the

present criminal revision case for modifying the above said two conditions.

3. The learned Government Advocate (Crl.Side) would contend that the present petitioner is accused in this case and the trial Court, considering the facts and circumstances of the case, correctly passed an order allowing the petition filed for return of the vehicle by imposing a condition that the petitioner shall execute a personal bond for a sum of Rs.5,00,000/- along with personal for like sum and further, the petitioner/accused shall surrender the original R.C. Book. There is no infirmity or illegality in the order passed by the trial Court and hence, the learned Government Advocate prayed that the criminal revision case may be dismissed.

4. Admittedly, the trial Court, after considering the arguments of the petitioner, imposed the above said two conditions. Since the petitioner filed the petition for return of the property during trial, the order of the trial Court, directing the petitioner to execute the personal bond for Rs.5,00,000/-, considering the value of the vehicle, is perfectly valid. Further, surrendering of original R.C.Book before

the trial Court is very much essential to prove the ownership of the vehicle. The argument of the learned counsel for the petitioner that now the original R.C.Book is not available with the petitioner and it is only available with the financier cannot be acceptable and the said argument is liable to be rejected.

5. In view of the above facts and circumstances, this Court is of the considered view that there is no infirmity or illegality in the order passed by the trial Court. This Court finds no reason to interfere with the order passed by the trial Court imposing the conditions, which do not warrant any interference by this Court and hence, the criminal revision case is liable to be dismissed. Accordingly, this Criminal Revision Case is dismissed.

12.08.2016

Internet :Yes
Jrl

To

1. The District Munsif-cum-Judicial Magistrate,
Uthukkottai, Thiruvallur District.
2. The Inspector of Police,
C-2, Periyapalayam Police Station,
Thiruvallur District.
3. The Public Prosecutor,
High Court, Madras.

G.CHOCKALINGAM, J.

Jrl

Crl.R.C.No.963 of 2016

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