

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM :

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.988 of 2016

S.Easwaran

.. Petitioner

Vs..

1.The Inspector of Police,
B4 Police Station, Race Course,
Gopalapuram, Coimbatore,
Tamil Nadu 641 018.

2.M/s.Hinduja Leyland Finance Ltd.,
Rep. by its Manager,
Gowtham Centre Agencies,
No.1057/25, 3rd Floor,
Avalance Road, Coimbatore.

3.Hinduja Leyland Finance Ltd.,
Represented by its Manager,
No.1, Sardar Patel Road,
Guindy, Chennai 600 032.

4.M/s.Kotak Mahindra Bank
Rep. by its Deputy Manager,
Mr.Judis Glaston,
Ground Floor, 1054/33,
Avinashi Main Road, Annasilai,
Gowtham Centre Annexe,
Gopalapuram, Coimbatore,
Tamil Nadu 641 018.

.. Respondents

PRAYER: Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to call for the records in CMP.No.4728 of

2015 dated 30.12.2015 on the file of the learned Judicial Magistrate No.III, Coimbatore and set aside the same as illegal, arbitrary and against the law and thereby direct the first respondent to handover the vehicle bearing Registration No.KA05 AC 5539, Chassis No.PNR 693619 and Engine No.NPH 739145 to the petitioner.

For Petitioner : Mr.M.Sunil Kumar

For 1st
respondent : Mr.K.Madhan,
Govt. Advocate (Crl.side)

For 2nd
respondent : Service Awaited.

ORDER

This revision challenges against the order of learned Judicial Magistrate No.III, Coimbatore passed in CMP.No.4728 of 2015 on 30.12.2015 and consequently, direct first respondent to handover the vehicle bearing Registration No.KA05 AC 5539, Chassis No.PNR 693619 and Engine No.NPH 739145 to petitioner.

2.Heard both sides.

3.Learned counsel for petitioner has made an endorsement in the revision petition, which reads as follows :-

"case property viz., lorry may be sent for forensic report and time may be stipulated to get the report at the earliest and liberty may be granted to approach the trial Court to file fresh application for return of lorry after forensic report."

4.The above said endorsement is recorded.

5.Notice and private notice were ordered on 27.09.2016, but service is awaited.

6.In view of the above, the criminal revision is disposed of. The Judicial Magistrate No.III, Coimbatore is directed to take steps to send the vehicle to forensic department and obtain report from the forensic department within four months from the date of receipt of a copy of this order. It will be open to petitioner to move afresh upon receipt of forensic report.

18.10.2016

C.T.SELVAM, J

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To

1.The Judicial Magistrate No.III,
Coimbatore.

2.The Inspector of Police,
B4 Police Station, Race Course,
Gopalapuram, Coimbatore,
Tamil Nadu 641 018.

3.The Public Prosecutor,
High Court, Madras.

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