



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2016

CORAM:

THE HONOURABLE DR. JUSTICE P. DEVADASSC.R.L.RC(MD) No.281 of 2015

WEB COPY

Shankar

... Petitioner / Petitioner

-vs-

1.The State Rep. by its,
Inspector of Police,
Vadipatti Police Station,
Madurai District.

(Crime No.215 of 2015)

... Respondent/Complainant

2.Ravi

... 2nd Respondent

R2 impleaded as per the order of
this Honourable Court dated
22.07.2015 and made in M.P. (MD)
No.1 of 2015 in Crl.R.C. (MD) No.
281 of 2015.

PRAYER: Criminal Revision Petition is filed, under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order passed in Crl.M.P.No.3308 of 2015 dated 09.05.2015 passed by the District Munsif cum Judicial Magistrate, Vadipatti, Madurai District, dismissing the petition filed by the petitioner under Section 451 of Cr.P.C. to return the vehicle JCB 3DX EXCAVATOR LOADER, bearing engine No.H00061316, chassis No. HAR3DXSSV01860643 and machine Sl.No.1860643 of the petitioner for his interim custody and set aside the same.

For Petitioner : Mr.S.Sankaralingam

For 1st Respondent : Mrs.S.Prabha
Govt.Advocate (Crl.Side)

For 2nd Respondent : Mr.R.Sudalaiyandi

O R D E R

This revision arises out of a common order passed by the learned District Munsif cum Judicial Magistrate, Vadipatti in Cr.M.P.Nos.3243 and 3308 of 2015.

2.This revision is directed by the financier, who filed Crl.M.P.No.3308 of 2015. Ravi/2nd respondent lodged a complaint with 1st respondent alleging that his vehicle viz. JCB 3DX EXCAVATOR LOADER, bearing engine No.H00061316, chassis No. HAR3DXSSV01860643 and machine Sl.No.1860643 has been stolen by certain persons.

3.The Vadipatti Police registered a case in Crime No.215 of 2015. In the course of investigation, the said JCB was seized. It was reported to the Magistrate. In Crl.M.P.No.3243 of 2015 the defacto complainant/2nd respondent sought for interim custody of



the same. In CrI.M.P.No.3308 of 2015, the financier sought for the very same vehicle. Learned Magistrate dismissed both the petitions, resulting in giving headache to the police to and maintain the JCB.

4. On the side of the financier, it has been submitted that legally he is entitled to. The learned counsel for 2nd respondent would submit that he is not standing in the way of the financier taking care of the JCB vehicle. Thus, he will not stand in the way of the financier taking care of the property.

5. In the circumstances, it is ordered as under:

- i. This criminal revision is allowed.
- ii. The impugned order, dated 09.05.2015, passed in Cr.M.P.No.3308 of 2015, by the learned Judicial Magistrate, Vadipatti, is set aside.
- iii. The learned Magistrate, will give interim custody of the property viz., JCB 3DX EXCAVATOR LOADER, bearing engine No.H00061316, chassis No. HAR3DXSSV01860643 and machine Sl.No.1860643 to the revision petitioner.
- iv. The revision petitioner will execute a personal bond for Rs.24,00,000/- (Rupees Twenty Four Lakhs only) to the satisfaction of the said Magistrate.
- v. The photograph of the vehicle shall be taken and kept in the case records.
- vi. There shall not be any attempt to alter or dispose of the vehicle till the property order is passed by the trial Court.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub-Assistant Registrar

To:

- 1.The Chief Judicial Magistrate, Madurai.
 - 2.The District Munsif cum Judicial Magistrate, Vadipatti, Madurai District.
 - 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
 - 4.The Inspector of Police, Vadipatti Police Station, Madurai District.
- +One cc to Mr.S.Sankaralingam, Advocate, SR.No.28243
+One cc to Mr.K.Sudalaiyandi, Advocate, SR.No.27757