



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

Crl.R.C.(MD) No.562 of 2016

S.Uma Thangam

... Revision Petitioner/Petitioner

-vs-

State of Tamil Nadu

Through the Sub-Inspector of Police,

Dindigul Town West Police Station,

Crime No.274 of 2016

... Respondent / Respondent

PRAYER: Criminal Revision Petition is filed, under Section 397 and 401 Cr.P.C., to call for the records and order dated 04.05.2016 in Crl.M.P.No.1843 of 2016, on the file of the learned Judicial Magistrate Court No.I, Dindigul and set aside the condition Nos.4 and 5 of the order to the effect that the revision petitioner shall not sell or alienate or modify the property and also to produce the same in the 1st working day of the month.

For Petitioner : Mr.B.Sekar

For Respondent : Mr.P.Kandasamy

Govt. Advocate (Crl.Side)

O R D E R

Perhaps obsessed with the ill-fated Car (TN57 AK8213), in which the petitioner's husband and their daughter breathed their last, as the very sight of the Car is quite sickening, she wish to dispose it of, thus she seeks modification of Condition Nos.4 and 5 imposed in the property return order, dated 04.05.2016, passed in Crl.M.P.No.1843 of 2016, by the learned Judicial Magistrate No.I, Dindigul.

2. The said Car has become a monument or memoir for her, because her husband and their daughter have put an end to their lives in the Car itself. In this connection, Dindigul Town West Police has registered a case in Crime No.274 of 2016. In their case, this Car has become a case-property.



3. The *de facto* complainant / revision petitioner sought for return of the Car in CrI.M.P.No.1843 of 2016. The learned Judicial Magistrate No.I, Dindigul, acceded to her request, however, imposed certain conditions on the guidelines provided in **Sunderbhai Ambalal Desai vs. State of Gujarat [2003 (1) CTC 175(SC)]**.

4. Among those conditions, condition Nos.4 and 5 runs as under:

"4.The Petitioner shall not sell or alienate or modify the property and shall return the property as and when required and order of this Court.

5. The Original R.C.Book is submitted to this Court for comparison of R.C.Book and the property to be produced before this Court on 1st working day of every month until further orders."

5. As stated at the outset, the revision petitioner wants to dispose of the said Car.

6. It is pertinent to note that she is not an accused. As per the prosecution version, in this case, she is a victim. Already, she has been traumatized by the untimely death of her dear and near ones. As already sufficient safeguards, as regards this physical evidence, have been taken care of by the learned Magistrate by imposing conditions such as Muchalika and photographing of the Car, the interest of the prosecution has been safeguarded. Now, we shall take care of the interest of the victim.

7. In the circumstances, condition Nos.4 and 5 imposed by the learned Judicial Magistrate No.I, Dindigul, in the order, dated 04.05.2016, in CrI.M.P.No.1843 of 2016 are deleted. The revision petitioner is permitted to sell the Car (TN57 AK8213).

8. Accordingly, this criminal revision is disposed of.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



To:

1. The Chief Judicial Magistrate,
Dindigul.
2. The Judicial Magistrate No.I,
Dindigul.
3. The Sub-Inspector of Police
Dindigul Town West Police Station,
Dindigul.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.P.GANAPATHY SUBRAMANIAN, ADVOCATE IN SR No. 45594

KRK

TE/KBM/ : 26/08/2016 : 3P/6C

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