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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON 17.10.2016

ORDER PRONOUNCED ON 26.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

Cr1.RC(MD)No.650 of 2016

R.Suresh : Petitioner

Vs.

The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul
(Crime No.669 of 2015) : Respondent

Prayer: Revision is filed under Section 397 r/w 401 of Cr.P.C., praying to call for the records and allow the Criminal Revision and set aside the orders of the learned Judicial Magistrate No.1, Dindigul in Cr.M.P.No.4181 of 2016 in Crime No.669 of 2015, dated 10.09.2015.

For Petitioner :Mr.V.Singan

For Respondent :Mr.P.Kandasamy

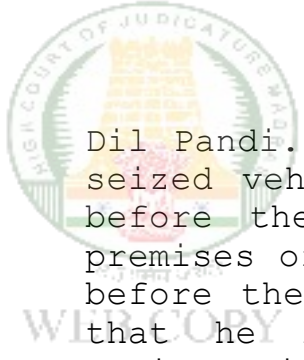
Government Advocate(Crl. Side)

O R D E R

This Criminal Revision Case has been filed praying to set aside the orders passed by the learned Judicial Magistrate No.1, Dindigul in Cr.M.P.No.4181 of 2016 in Crime No.669 of 2015, dated 10.09.2015.

2. The facts leading to filing of the present Criminal Revision Case, can be briefly stated as follows:-

The petitioner herein preferred a complaint before the respondent police against the unknown accused on 08.07.2015 in respect of theft of his vehicle viz., Terrace Lorry bearing Registration No.TN-28-AB-8122. Based on the complaint, an FIR was also registered by the respondent police and it is pending for investigation. The vehicle bearing Registration No.TN-73-A-5805 was recovered upon the confession from an accused by name Pandi @



Dil Pandi. The said accused was remanded on 09.07.2015. But the seized vehicle was not produced during the period of his remand before the trial Court. The seized vehicle was kept in the premises of the respondent Police during the submission of Form-95 before the concerned Court. The petitioner / complainant claims that he is the owner of the seized vehicle i.e., bearing Registration No.TN-73-A-5805 as TN-28-AB-8122 by producing the photostat copy of the R.C.Book and insurance details for the vehicle bearing No.TN-28-AB-8122. The lower Court perused the above and found that the Engine Number of the recovered vehicle bearing Registration No.TN-73-A-5805 is not tallied with the vehicle bearing Registration No.TN-28-AB-8122, as claimed by the petitioner and different from that of the vehicle bearing Registration No.TN-28-AB-8122 (Petitioner vehicle). Therefore, the lower Court dismissed the claim of the petitioner in respect of the seized vehicle, since engine number of the seized vehicle is different with that of the engine number of the petitioner's vehicle bearing Registration No.TN-28-AB-8122. Aggrieved with the order of dismissal, the petitioner preferred the present Criminal Revision.

3. The case records were called for from the Court below and perused.

4. On perusal of the records, the lower Court has come to the conclusion that the petitioner / defacto complainant is not the owner of the seized vehicle from the accused in this case and only on the basis of the records produced by the petitioner in respect of his vehicle bearing Registration No.TN-28-AB-8122, the alleged confession given by the accused, as stated by the counsel for the petitioner or mentioned in the order of the lower Court, is not produced by either parties, as contended. Investigation in this case is not completed by the respondent and it is still pending. The lower Court also raised doubts in respect of the claim of the petitioner for interim custody of the seized vehicle. The petitioner was not able to prove his ownership by producing relevant documents in respect of the seized vehicle.

5. In the above stated circumstances, this Court is not inclined to intervene the order passed by learned Judicial Magistrate No.1, Dindigul in Cr.M.P.No.4181 of 2016, dated 10.09.2015, in respect of the interim custody.

6. In the result, the Criminal Revision Case stands dismissed.

Sd/-

Assistant Registrar (Writs)

/True Copy/



1.The Judicial Magistrate NO.1,
Dindigul

2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

GJM/GSV/PM/9.11.16-2p-4C

Pre-Delivery order made in
Crl.RC(MD)No.650 of 2016
Dated:- 26.10.2016