

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.200 of 2016

ORDER

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The present criminal revision case is directed against the docket order dated 28.11.2015 passed in Crl.M.P.No.5757 of 2015 in Cr.No.141 of 2015 on the file of Judicial Magistrate of First Class, Kodad.

2. Heard and perused the material on record.
3. Petitioner/accused filed the impugned application under Section 451 of the Code of Criminal Procedure before the Court below seeking to release the crime vehicle i.e., Hero HF Delux bearing No.TS05EA0288, which was returned by the Court below vide impugned order on the ground that the case property was already ordered to be returned to the complainant and there is no case property with the Court. Challenging the same, the present revision is filed.
4. Learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and if the vehicle is kept idle for a long period, there is every possibility of it getting damaged. He further submitted that even though the property is not deposited before the Court below, the Court has power to pass appropriate orders for return of the vehicle and that the petitioner is ready to furnish sufficient surety and also produce the vehicle as and when required by the Court.
5. Learned Additional Public Prosecutor objects for the same,

since the vehicle is involved in a crime.

6. Considering the facts and circumstances of the case, this Court is of the view that the vehicle cannot be detained for a long time. In view of the same, it is directed that the vehicle i.e. Hero HF Delux bearing No.TS05EA0288, shall be released for interim custody of the petitioner, subject to final orders to be passed in the main case, on petitioner executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with one surety for the like sum to the satisfaction of the Judicial Magistrate of First Class, Kodad, and also on production of original R.C. book. It is further directed that the petitioner shall not alienate the vehicle, shall not change the physical features of the same till the disposal of the criminal case and further the petitioner shall undertake to produce the vehicle as and when required by the Court. However, it is made clear that the present order will not stand in the way of any confiscation proceedings. If already confiscation orders are passed, the order need not be given effect to.

JUSTICE RAJA ELANGO

22nd January, 2016

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