

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2017

CORAM

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

Crl.R.C.No.1045 of 2017

Prabhu ...Petitioner/Defacto Complainant

Vs.

State rep by
The Inspector of Police,
Keelvelur Police Station,
Nagapattinam District. ... Respondent/Complainant

Prayer:- Revision is filed under Section 397 read with 401 Criminal Procedure Code, to set aside the dismissal order dated 02/03/2017 made in Crl.M.P.No.214 of 2017 in Crime No.222 of 2016 by the learned Judicial Magistrate-I, Nagapattinam.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.R.Sekar
Government Advocate
(Criminal Side)

O R D E R

This revision case has been filed against the order passed by the learned Judicial Magistrate No.I, Nagapattinam District in Crl.M.P.No.214 of 2017 in Crime No.222 of 2016 dated 02.03.2017.

2.The petitioner claims that he is the owner of the vehicle namely, Hero Honda Splendor Plus, bearing Registration No.TN-50E-8094. The respondent police seized the said vehicle, relates to a crime and produced the same before the concerned Court and now, the vehicle is under the Court custody.

3.The petitioner claims to be the owner of the vehicle, has filed a petition before the trial Court seeking interim custody of the vehicle. The said petition, having been considered by the trial Court, was dismissed by the impugned order, against which, this Revision has been filed.

4.The learned counsel appearing for the petitioner would state that he purchased the vehicle from the original owner and in order to transfer the vehicle in his name, he already obtained C-Form and before actual registration takes place, when he had given for a ride to his friend, the vehicle was seized by the respondent police for an alleged offence, absolutely not related to the petitioner. The learned counsel appearing for the petitioner would state that since he has produced the C-Form original before the trial Court and a copy of the same was not available with him. Therefore, a suitable direction is given to enable the petitioner to produce the vehicle with the RC book to the trial Court for passing appropriate orders, with regard to the plea of the custody of the vehicle, the petitioner would be satisfied.

5.I have heard Mr.R.Sekar, learned Government Advocate (Criminal Side) appearing for the respondent/State.

6.It is the claim of the petitioner, who is the owner of the subject vehicle two wheeler, which was seized for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) of IPC and Section 3(1) of the TNPPDL Act. The petitioner is not an accused and he has not involved in the said crime, where the subject vehicle has been seized. Since the petitioner is not an accused and he claims to be the owner of the vehicle, for which, he claimed to have produced the C-Form original before the trial Court for consideration and he would further state that if permission is granted to him to register the vehicle, he would register and report with the vehicle to the concerned Magistrate for appropriate further orders. This Court is of the view that the said minimum request on the part of the petitioner, can be considered.

7.In the result, the following orders are passed in this revision case:

That the petitioner shall be given permission with the original C-Form produced before the trial Court enabling him to register the said vehicle in his name, within two weeks from the date of order to be passed by the trial Court, on condition that within the said time, the petitioner shall produce the vehicle with Registration Certificate in original to the concerned Magistrate Court.

8.On receipt of such Registration Document i.e., R.C.Book with the vehicle, it is open to the learned Judge to take a decision as to whether the interim custody of the vehicle shall be given to the petitioner or not, depending upon the facts and circumstances of the case.

With these directions, this Criminal Revision Case is disposed of.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Judicial Magistrate No.I,
Nagapattinam District.

2.The Inspector of Police,
Keelvelur Police station,
Nagapattinam District.

3.The Public prosecutor,
High court, Madras.

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RR(CO)
GN(13/11/2017)



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