

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2017

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

Criminal Revision No.1203 of 2017

Hemavathi

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Petitioner

Versus

State by Inspector of Police
C.1, Flower Bazzar Police Station,
Chennai - 600 001.

...

Respondent

Criminal Revision filed under Sections 397 and 401 of Criminal Procedure Code to call for the records of the learned VIII Metropolitan Magistrate, George Town, Chennai made in Crl. M.P. No.1221 of 2017, dated 29.04.2017 in dismissing the petition filed by her and order the return of the vehicle two wheeler (Yamaha Ray-Z) white and blue colour bearing Engine No.E3Y4E0017982 and Chasis No.ME1SED173H008483 (Un-registered) concerned in Crime No.653 of 2017 on the file of the Inspector of Police, C.1. Flower Bazzar Police station, Chennai to the custody of the petitioner herein.

For Petitioner : Mr.S.Sugendran

For Respondent : Mr.K.Madhan,

Government Advocate (Crl. Side)

ORDER

The order passed by the learned VIII Metropolitan Magistrate, George Town, Chennai, dated 29.04.2017 in Crl.M.P. No.1221 of 2017 dismissing the petition seeking custody of the vehicle is under challenge.

2. The petitioner herein has originally filed the petition seekin return of the vehicle (two wheeler) viz., Yamaha Ray-Z white and blue colour bearing Engine No.E3Y4E0017982 and Chasis No.ME1SED173H008483 (Un-registered)

3. According to the case of the petitioner, she purchased the vehicle on 03.04.2017, took delivery on 05.04.2017 and has taken insurance for the vehicle on 06.04.2017.

4. According to the case of the prosecution, the petitioner's son Gokul used the vehicle in committing theft and therefore the vehicle has been seized after the registration of the FIR No.653 of 2017, dated 07.04.2017.

5. All relevant documents relating to the purchase of the vehicle and the ownership of the petitioner herein, have been filed before the learned Metropolitan Magistrate.

6. The petition for custody of the vehicle had been dismissed only on the ground that there is a possibility of this vehicle being sold in favour of some third parties.

7. Whether the reason is sustainable or not, is the issue raised in this case. There is an undertaking on the part of the owner of the vehicle / petitioner that she would not sell the vehicle without obtaining express permission of the Court or till the disposal of the case in Crime No.653 of 2017.

8. In view of the undertaking given by the petitioner, the said vehicle is ordered to be returned to the petitioner, subject to the condition that the petitioner shall execute a bond for herself for a sum of Rs.25,000/- (Rupees twenty five thousand only) along with two sureties each for Rs.10,000/- to the satisfaction of the trial Court and with the following further conditions :-

- (i) that the petitioner shall abide by her undertaking;
- (ii) that the petitioner shall not alienate or encumber the vehicle and shall produce the vehicle before the respondent or Court as and when required and
- (iii) the petitioner shall give an undertaking that she will not use the vehicle for any illegal activities in future.

9. In the result, the order passed by the learned Metropolitan Magistrate is set aside and this Criminal Revision petition is allowed. At the time of the getting return of the vehicle, the petitioner shall produce a copy of the RC book to the trial Court to prove her ownership of the vehicle in CrI. M.P.No.1221 of 2017. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vsi2

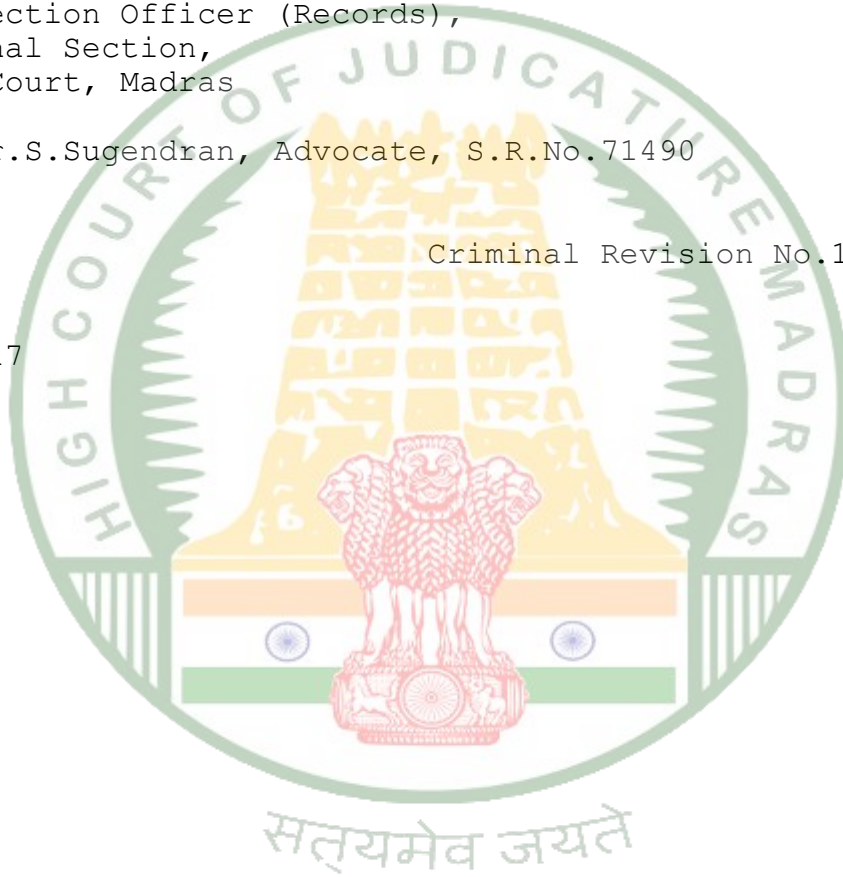
To

1. Inspector of Police
C.1, Flower Bazzar Police Station,
Chennai - 600 001.
2. The VIII Metropolitan Magistrate,
George Town, Chennai
3. The Public Prosecutor,
High Court, Madras - 104.
4. The Section Officer (Records),
Criminal Section,
High Court, Madras

+1cc to Mr.S.Sugendran, Advocate, S.R.No.71490

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NRI(CO)
CS/22/11/17



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