

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C.No.177 of 2017

Selvakumari

.. Appellant/Accused

Vs

State rep. By
Inspector of Police,
CCB Anti Vice Squad II,
Chennai.

.. Respondent/Complainant

Criminal Revision has filed under Section 397 and 401 Cr.P.C., seeking to call for the records on the file of the Judicial Magistrate No.1, Poonamalee, in C.M.P.No.6056 of 2016 dated 05.12.2016 and set aside the same.

For Appellant	: Mr.S.Senthilvel
For Respondent	: Mr.R.Ravichandran Govt. Advocate (Crl.Side)

ORDER

Challenging the order of dismissal passed by the Judicial Magistrate No.1, Poonamalee, in C.M.P.No.6056 of 2016 dated 05.12.2016, filed under Section 451 of Cr.P.C., to return the vehicle, the present revision has been filed.

2. The petitioner is the owner of the Cheverolet Enoy TCDI LS Car bearing registration No.TN-01 AX 2866. Earlier a case was registered against the petitioner's husband in Crime No.40 of 2016 on the file of the respondent police for the offences under Sections 4(1), 5(1)(a) of ITP Act.

3. According to the petitioner, she is the owner of the vehicle and she has not involved in any of the offence as stated by the prosecution and it is only her husband who is stated to have involved in the above said crime. The vehicle was seized by the respondent police on 07.11.2016. The petitioner claiming to be the owner of the property has filed a petition before the trial court to return the vehicle and the trial court dismissed the application on the ground that since the vehicle is involved in the commission of crime, the petitioner may not produce the vehicle during trial and there is every chance of committing further offence. Challenging the same, the present revision has been filed.

4. Heard Mr.S.Senthilvel, learned counsel for the petitioner and Mr.R.Ravichandran, Government Advocate (Crl.side) appearing for the respondent.

5. Since the vehicle was seized as early as on 07.11.2016 and considering the fact that the petitioner being the owner of the vehicle and not an accused in the crime, the car could be returned to the petitioner on fulfilling the following conditions:

- i. the petitioner shall prove the ownership of the vehicle by producing the R.C.Book and other relevant records;
- ii. the petitioner shall not alienate or encumber the vehicle in any manner;
- iii. the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees twenty thousand only) before the court concerned;
- iv. the petitioner shall give an undertaking that he/she will not use the vehicle for any illegal activities in future,
- v. the petitioner shall take photograph of the vehicle; and
- vi. the petitioner shall also produce the vehicle as and when required by the court below.

6. Accordingly, the Criminal Revision is disposed of.

22.03.2017

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V.BHARATHIDASAN, J.

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To

- 1.The Judicial Magistrate No.1,
Poonamalee,
2. The Inspector of Police,
CCB Anti Vice Squad II,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

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