

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.18 of 2017

M.Saravanan

S/o.Manokaran (late)

...Petitioner

Vs.

State represented by

The Inspector of Police (Law & Order),

R-9 Valasarawakkam Police Station,

Valasarawakkam,

Chennai - 600 086.

... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Judicial Magistrate I, Poonamallee, Chennai, passed in Crl.M.P.No.6289 of 2014 on 22.12.2016 and directing the Respondent to release the vehicle Hero Splendor bearing No.TN18 X0321 seized in Cr.No.944/2016.

For Petitioner : Mr.S.Mohan Raj

For Respondent : Mr.M.Mohammed Riyaz,
Government Advocate [Crl.side]

O R D E R

Petitioner challenges the order of learned Judicial Magistrate I, Poonamallee, Chennai, passed in Crl.M.P.No.6289 of 2014 on 22.12.2016.

2. Respondent has seized a Hero Splendor bearing registration No.TN-18-X-0321, belonging to petitioner in connection with the case registered in Crime No.944 of 2016 on its file for offence under Sections 147, 294(b) and 506(i) IPC and 4 of TNPPDL Act. Petitioner has moved Crl.M.P.No.6289 of 2014 before learned Judicial Magistrate I, Poonamallee, Chennai, seeking return of vehicle. Such petition came to be dismissed under orders of the Court below dated 22.12.2016. Hence, this revision.

3. Heard learned counsel for petitioner and learned Government Advocate [Crl.side] as also perused the counter filed by respondent.

4. Following the decisions of the Hon'ble Apex Court in Sunderbhai Ambalal Desai v. State of Gujarat (AIR 2003 Supreme

Court 638) and General Insurance Council V. State of Andhra Pradesh in 2010 (3) Supreme Pg. 317, this Court directs as follows:

The Hero Splendor bearing registration No.TN-18-X-0321, shall be placed in the custody of the petitioner after complying with the following:

i)The Court below shall cause photographs of the vehicle to be taken and record panchanama thereof, the photographs taken shall be read as secondary evidence during trial and production of the vehicle shall be dispensed with.

ii)The vehicle shall then be returned to petitioner, who shall be at liberty to deal with the same in such manner as considered appropriate.

5. The above order is not determinant of the ownership or other rights in respect of the vehicle.

The Criminal Revision is disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

1.The Judicial Magistrate I,
Poonamallee,
Chennai.

2.The Inspector of Police (Law & Order),
R-9 Valasarawakkam Police Station,
Valasarawakkam,
Chennai - 600 086.

3.The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.Mohanraj, Advocate, S.R.No.2952

CP(CO)
RS(02/02/2017)

Cr1.R.C.No.18 of 2017