

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2017

CORAM : THE HONOURABLE Mr. JUSTICE V.BHARATHIDASAN

Cr1.R.C.No.336 of 2017

Siva @ Karnan

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Petitioner

Vs.

State by Inspector of Police
Krishnapuram Police Station
Dharmapuri District.

Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w.401 of Criminal Procedure Code praying to set aside the direction with regard to the confiscation of the M.O.3 namely, Hondo Super Splendor Motorcycle bearing registration No.TN29 AW 2668 passed by the Chief Judicial Magistrate, Dharmapuri in S.C.No.106 of 2016 dated 18.10.2016 by allowing the Criminal Revision Petition.

For Petitioner :Mr.C.Munusamy

For Respondent :Mr.R.Ravichandran

Government Advocate (C.S.)

ORDER

The petitioner herein is A1 in S.C.No.106 of 2006 on the file of the Chief Judicial Magistrate, Dharmapuri. He along with some other accused stood charged for the offence under Sections 341, 392 r/w 397, 506(ii) IPC. During investigation, a motorcycle bearing registration No.TN29 AW 2668 was seized by the respondent police and pending trial, on the application filed by the petitioner, the Judicial Magistrate No.II, Dharmapuri by an order dated 08.03.2016, has granted interim custody of the vehicle to the petitioner .

2. Subsequently, the trial Court vide its judgment dated 18.10.2016 in S.C.No.106 of 2016 has acquitted the petitioner from all the charges laid against him but ordered to confiscate the vehicle. Challenging the order of confiscating the vehicle alone, the petitioner has filed the above revision.

3. Heard Mr.C.Munusamy, the learned counsel appearing for the petitioner and Mr.R.Ravichandran, the learned Government Advocate (C.S.) appearing for the respondent and perused the

materials available on record.

3. Admittedly, the petitioner is the owner of the vehicle and pending trial on the application filed by the petitioner, interim custody of the vehicle was granted in favour of the petitioner. Now after the full-fledged trial, the Court below acquitted the petitioner from all the charges, but without assigning any reason whatsoever has ordered to confiscate the vehicle, after the appeal period. This is not permissible under law.

4. In the above said circumstances, the order of the Court below in so far as the confiscation of the said vehicle is concerned, is hereby set aside and the trial Court is directed to return the Honda Super Splendor Motorcycle bearing registration No. TN29 AW 2668 to the petitioner on the following conditions :

- a) the petitioner shall prove his ownership of the vehicle by producing the R.C. book and other relevant records ;
- b) the Court below shall cause photographs of the vehicle to be taken and record panchanama thereof;
- c) the vehicle shall then be returned to the petitioner, who shall be at liberty to deal with the same in such manner as considered appropriate

5. With the above directions, this revision petition is allowed.

Sd/-

Assistant Registrar

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To:

1.The Chief Judicial Magistrate,
Dharmapuri

2.The Inspector of Police
Krishnapuram Police Station
Dharmapuri District.

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3.The Public Prosecutor
High Court, Madras.

+lcc to Mr.C. Munusamy, Advocate, S.R.No.14592

nri (CO)
md(23/03/2017)

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