

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2017

CORAM

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

Crl.R.C.No.35 of 2017

L.Dheeraj Chawla

.. Petitioner/Petitioner/
Accused-1

Vs.

Inspector of Police,
G-5 Secretariat Colony Police Station
(Crime), Chennai.

.. Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C. to call for the records in Crl.M.P.No.2527 of 2016 in Crime No.211 of 2016 on the file of the XIV Metropolitan Magistrate, Egmore, Chennai and set aside the order dated 26.10.2016.

For Petitioner : Mr.R.Ganesh Kumar

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

O R D E R

Petitioner challenges the order of learned XIV Metropolitan Magistrate, Egmore, Chennai, passed in Crl.M.P.No.2527 of 2016 on 26.10.2016.

2. Respondent has seized a Hero Maestro bearing Registration No.TN-01-AZ-1705, belonging to petitioner in connection with the case registered in Crime No.211 of 2016 on its file for the offence under Sections 419, 420, 465, 468, 471 and 506(ii) IPC. Petitioner has moved Crl.M.P.No.2527 of 2016 before learned XIV Metropolitan Magistrate, Egmore, Chennai, seeking return of vehicle. Such petition came to be dismissed under orders of the Court below dated 26.10.2016. Hence, this revision.

3. Heard the learned counsel for petitioner and the learned Government Advocate [Crl.side] and also perused the counter filed by the 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 Maestro bearing Registration No.TN-01-AZ-1705, 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

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To

1.The Inspector of Police,
G-5 Secretariat Colony Police Station
(Crime), Chennai.

2.The XIV Metropolitan Magistrate,
Egmore, Chennai.

3.The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.Ganesh kumar, Advocate, S.R.No.13978

NMJ(CO)
RS(20/03/2017)

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