

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2017

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C.No.376 of 2017

A.Ramesh

.. Petitioner

Vs

State rep. by
The Inspector of Police,
D2 Selvapuram Police Station,
Coimbatore.
(Cr.No.421 of 2016)

.. Respondent

Criminal Revision filed under sections 401 of Criminal Procedure Code to call for the entire records pertaining to the order passed by the Judicial Magistrate NO.5, at Coimbatore in Crl.M.P.no.552 of 2017 vide its order dated 08.02.2017 and quash the same and consequently direct the magistrate to return the vehicles bearing Re.No.KL49G 8247 Blue Royal enfield motor bike having its Engine No.U3S5C1GF220422 and four wheeler bearing Reg.No.KL49E6905 white color Maruti Swift having its Engine No.K12MN1339007 in connection with the case in Crime No.421 of 2016 pending on the file of the respondent, to the petitioner.

For Petitioner : Mr.Ralph V.Manohar For
Respondent : Mr.R.Ravichandran
Gov. Advocate (Crl. side)

O R D E R

Challenging the order of dismissal passed by the Judicial Magistrate No.V, Coimbatore, in C.M.P.No.552 of 2017 dated 08.02.2017, filed under Section 451 Cr.P.C., to return the vehicle, the present revision has been filed.

2.The petitioner is the accused in Crime No.421 of 2016 on the file of the respondent police for the offences under Sections 3, 4(2)(c) r/w. 6 of ITP Act and 294(b), 506(ii) IPC.

3. According to the petitioner, the vehicle was seized by

the respondent police on 03.07.2016. The petitioner claiming to be the owner of the property has filed a petition before the trial court to return the vehicle. Eventhough, the Assistant Public Prosecutor has no objection for return of the vehicle, the trial court dismissed the application on the ground that since the vehicle is involved in the commission of crime, it is not expatiate the vehicle to the petitioner. Challenging the same, the present revision has been filed.

4. Heard Mr.Ralph V.Manohar, 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 03.07.2016 and now the vehicle is exposed to sun and rain, this Court would set aside the order of the Court below and the learned Judicial Magistrate V, Coimbatore, shall direct the Inspector of Police, D2 Selvapuram (Crime) Police Station, Coimbatore, to return the vehicle to the petitioner on fulfilling the following conditions:

- i.the petitioner shall prove his 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 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

mrp

To

1.The Judicial Magistrate V,
Coimbatore.

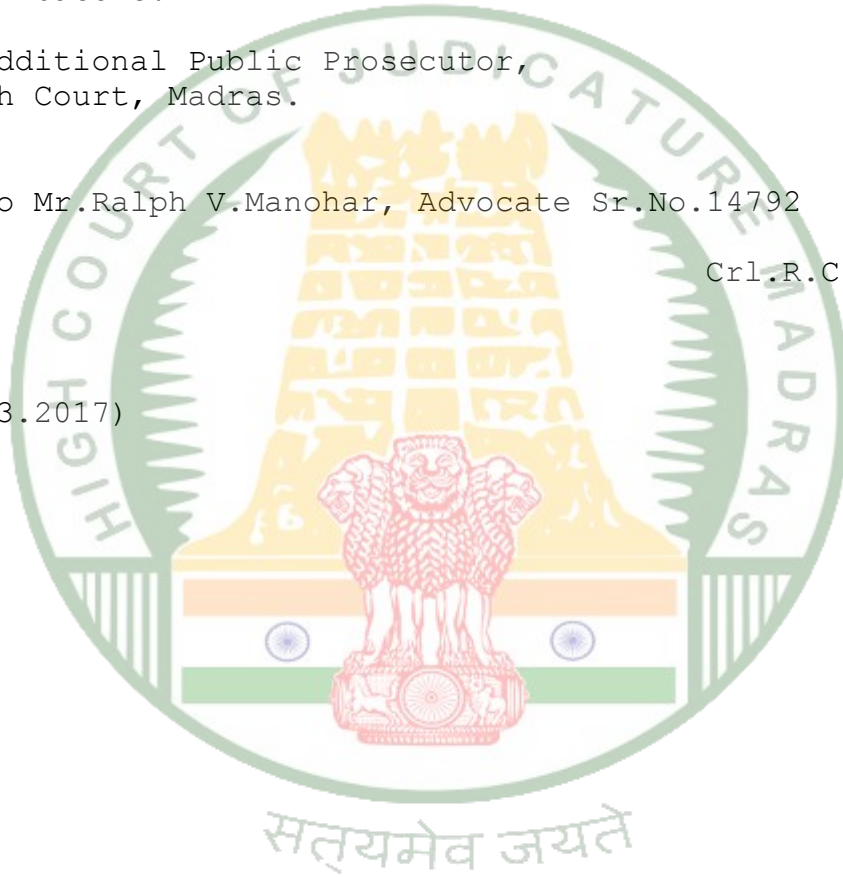
2.The Inspector of Police,
D2 Selvapuram Police Station,
Coimbatore.

3.The Additional Public Prosecutor,
High Court, Madras.

+2 CC to Mr.Ralph V.Manohar, Advocate Sr.No.14792

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SK(CO)
KP(17.03.2017)



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