

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2017

CORAM

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Cr1.R.C.No.606 of 2017

A. Haliq Alavudeen

... Petitioner/Accused

Versus

State rep. by the Inspector of Police,
R.11 Royala Nagar Police station,
Ramapuram, Chennai
(Crime No.1361 of 2016)

... Respondent/Complainant

Criminal Revision Case filed under section 397 and 401 of the Criminal Procedure Code, praying to call for the records of the learned Judicial Magistrate No.1, Poonamallee, and set aside the order passed by the learned Judicial Magistrate No.1, Poonamallee made in C.M.P.No.109 of 2017, dated 12.01.2017 and order return of the said car bearing Registration No.TN09-BP-2030 BMW-3 series car, a white 2012 Model concerned in Crime No.1361 of 2016 on the file of the Inspector of Police, R11 Royala Nagar Police Station, Ramapuram, Chennai to the custody of the petitioner.

For Petitioner: Mr.S.Senthil Kumar

For Respondents: Mr.R. Ravichandran
Govt.Advocate (Cr1.Side)

O R D E R

Challenging the order of dismissal passed by the learned Judicial Magistrate No.1, Poonamallee, in C.M.P.No.106 of 2017 dated 12.01.2017, the present revision has been filed.

2. The petitioner is an accused in crime No.1361 of 2016 for the offences under Sections 171 and 279 I.P.C. The above crime has been registered on the ground that the petitioner used a red beacon light in his car bearing Registration No.TN09-BP-2030 without any authorization and he is not entitled to use the red beacon light. On the very same day the petitioner was arrested by the respondent police and the car

has also been seized by the respondent police on 23.12.2016. Thereafter, the petitioner filed a petition for return of the vehicle before the court below and the court below dismissed the application holding that the investigation is still pending. Challenging the same, the present revision has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent and also perused the materials available on record carefully.

4. Since the vehicle was seized as early as on 23.12.2016 and the vehicle has been kept in the police station for a long period, the investigation is also yet to be completed, I am inclined to return the vehicle.

5. In the above circumstances, the impugned order passed by the court below is set aside and the court below is directed to return the car bearing Registration No.TN09-BP-2030 BMW-3 series, white colour 2012 Model to the petitioner on complying 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 petitioner shall not alienate or alter the vehicle in any manner;
- c) the petitioner shall execute an own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only), to the satisfaction of learned Judicial Magistrate No.I, Poonamallee and also furnish property security to the value of Rs.25,000/- (Rupees twenty five thousand only), standing either in the name of the petitioner or in the name of third parties; and
- d) the petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent police.

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6. The Criminal Revision Case is disposed of with the above direction.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

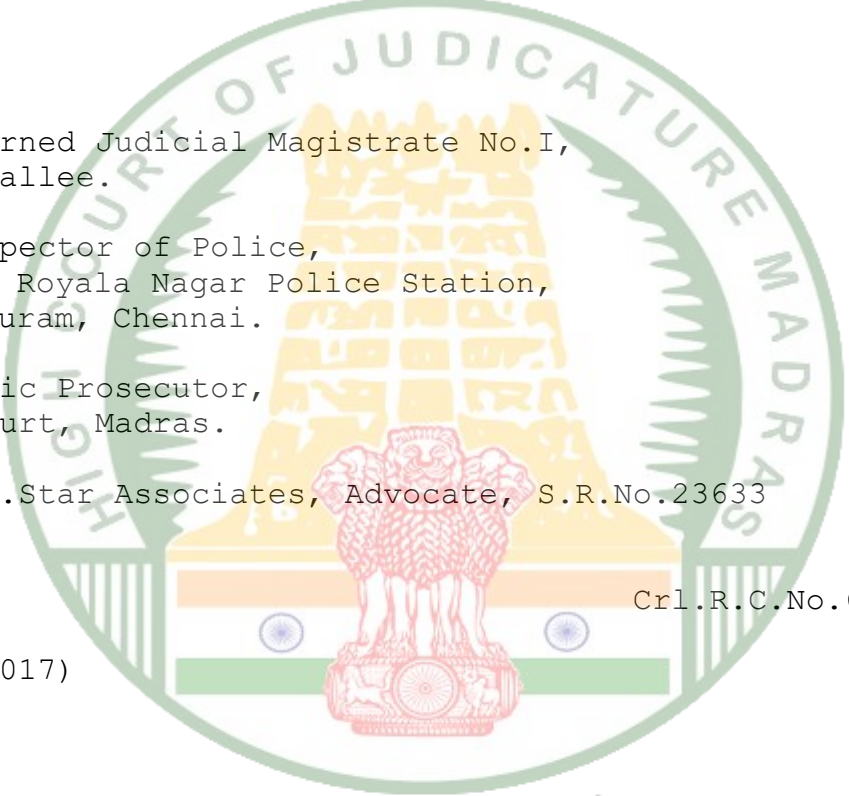
To

1. The learned Judicial Magistrate No.I,
Poonamallee.
2. The Inspector of Police,
R-11, Royala Nagar Police Station,
Ramapuram, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Ms.Star Associates, Advocate, S.R.No.23633

SAI (CO)
RS (19/05/2017)

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सत्यमेव जयते

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