

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.05.2017

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THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Crl.R.C.No.669 of 2017

P.Dharmaraj

.... Petitioner/Vehicle Owner

Versus

State rep. by the Inspector of Police,
Utiramerur Police Station.
Crime No.128 of 2017.

... Respondent/Complainant

Prayer: Criminal Revision Case filed under section 397 and 401 of the Criminal Procedure Code, praying to set aside the order dated 05.04.2017 passed by the learned District Munsif cum Judicial Magistrate, Uthiramerur in Crl.M.P.No.389 of 2017 in Cr.No.128 of 2017.

For Petitioner : Mr.S.Mahaveer Sivaji

For Respondents : Mr.R. Ravichandran
Government Advocate (Crl. Side)

ORDER

Challenging the order dismissing the petitioner's application seeking to return of a Mahindra Scorpio car, bearing registration No.TN 10F 2373 in Crl.M.P.No.389 of 2017 dated 05.04.2017 by the learned District

Munsif cum Judicial Magistrate, Uthiramerur, the present revision has been filed.

2. According to the petitioner, he is the owner of a Scorpio car and he has purchased the same in the month of January 2017. Suddenly, the respondent police seized the vehicle and subsequently, he came to know that the above vehicle has been seized on the ground that the vehicle is involved in a criminal case in Crime No.128 of 2017 for the offence under section 392 of IPC. Thereafter, the petitioner filed an application before the Court below for return of the vehicle and the Court below dismissed the application on the ground that the investigation is pending and the accused in the above crime is still absconding. Challenging the same, the present revision has been filed.

3. As per the learned counsel for the petitioner, the petitioner has purchased the vehicle in the month of January itself and the alleged occurrence has taken place subsequently and he is in possession of the vehicle and the vehicle was not at all involved in the crime. Even as per First Information Report, two unknown persons came in a two wheeler and committed the crime. The learned Government Advocate appearing for the respondent would submit that the above vehicle was involved in the above

crime and the investigation is still pending in this case.

4. Considering the circumstances that the petitioner purchased the vehicle in January 2017, the vehicle was in the custody of the petitioner from the date of purchase and that the vehicle was seized only in the first week of February, 2017 and that the petitioner is also not an accused in the crime and keeping the vehicle in the Court custody only diminish the value of the vehicle. In the above circumstances, the impugned order passed by the court below is set aside and the court below is directed to return the vehicle Mahindra Scorpio car bearing registration No.TN 10F 2373 bearing to the petitioner on complying the following conditions:

- a) the petitioner shall prove the 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 through his power of attorney shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), to the satisfaction of learned District Munsif cum Judicial

Magistrate, Uthiramerur; 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.

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

15.05.2017

Speaking order/Non-speaking order

Index:yes/no

Internet:yes/no

vrc

Note: Issue order copy of 16.05.2017.

To

1. The District Munsif cum Judicial Magistrate,
Uthiramerur.
2. The Inspector of Police,
Uthiramerur Police Station.
3. The Public Prosecutor,
High Court, Madras.

V.BHARATHIDASAN, J.,

vrc

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