

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.06.2017

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C.No.719 of 2017

Ms.Bharathi

.. Petitioner

Vs

State rep. by
The Inspector of Police,
Anti-Vice Squad - II,
Chindadripet, Chennai-2.
(Cr.No.1 of 2017)

.. Respondent

Criminal Revision filed under sections 397 read with 401 of Criminal Procedure Code to set-aside the order dated 24.04.2017 made in C.M.P.No.1467 of 2017 on the file of the Judicial Magistrate Court No.I, Poonamallee, and to allow the above Criminal Revision Petition.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.R.Ravichandran
Gov. Advocate (Crl. side)

ORDER

Challenging the order, dismissing the petitioner's application filed under Sections 451 of Cr.P.C., passed by the Judicial Magistrate No.1, Poonamallee in C.M.P.No.1467 of 2017 dated 24.04.2017 to return the vehicle, the present revision has been filed.

2. The respondent police registered a case in Crime No.1 of 2017 against one Balaji for the offences under Sections 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic (Prevention) Act, 1956.

3. The allegation in the complaint was that the accused in that case has used a two wheeler bearing registration No.TN-12-L-4384, (Scooty CVTI) for prostitution by taking the girls in the two wheeler and he was arrested, remanded and then released on bail. The petitioner, who is claiming to be the owner of the two wheeler, filed an application for return of vehicle and the trial Court dismissed the application holding that if the property is returned to the petitioner, he may sell the property and may not be able to produce the property at the time of trial. Challenging the same, the present revision petition has been filed.

4. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioner and Mr.R.Ravichandran, Government Advocate(Crl. side) appearing for the respondent.

5. The petitioner claims to be the owner of the two wheeler and he is not an accused in this case. The vehicle was seized on 02.01.2017 and the only reason stated by the Court below for dismissing the petition is that if the two wheeler is returned to the petitioner, he is likely to sell the two wheeler and will commit a similar type of offence and may not produce vehicle at the time of trial.

6. The learned counsel appearing for the petitioner submits that the petitioner will give an undertaking that he will not alienate the property and he will produce the vehicle as and when required before the Court below.

7. 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 bearing Registration No.TN12-L-4384 Scooty CVTI to the petitioner, on complying 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 Judicial Magistrate No.1, Poonamallee;
- 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 before the court below and before the respondent police.

8. Accordingly, the Criminal Revision is disposed of.

16.06.2017

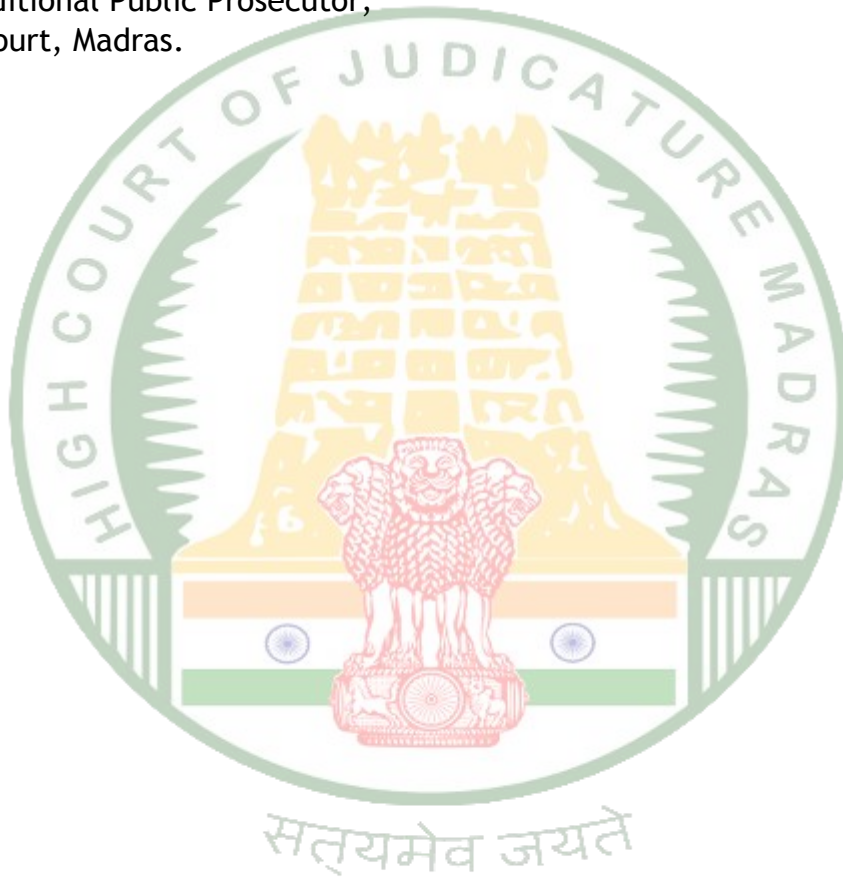
Index: Yes/No

Internet: Yes/No

Speaking order/ non-speaking order
mrp

To

- 1.The Judicial Magistrate I,
Poonamallee.
- 2.The Inspector of Police,
Anti-Vice Squad - II,
Chindadripet, Chennai-2.
- 3.The Additional Public Prosecutor,
High Court, Madras.



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V.BHARATHIDASAN, J.,

mrp



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