

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2017

Coram

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl. Revision Case No.777 of 2017

Selvam

... Petitioner/petitioner

//vs//

The Sub-Inspector of Police,
Tharamangalam Police Station,
Salem District.
Crime No.260 of 2015.

... Respondent/respondent

Prayer: Criminal Revision Petition filed under Section 397 read with 401 of the Code of Criminal Procedure to call for the records pertaining to C.M.P.No.2060 of 2017 on the file of Judicial Magistrate, Omalur and set aside the order dated 26.05.2017 by allowing the revision and consequently, direct the respondent to hand over the vehicle Private Service Eicher 10 75 H 32D bearing Registration No.TN34 x 9470 to the petitioner.

For Petitioner : Mr. T.Ganesan

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

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सत्यमेव जयते

ORDER

The petitioner claiming to be the owner of the Private Service Eicher vehicle bearing Registration No. TN 34 x 9470, filed an application in C.M.P.No.2060 of 2017 seeking return of the said vehicle and the application was dismissed on 16.05.2017 by the Judicial Magistrate, Omalur. Challenging the same, the present Criminal Revision has been filed.

2 . Earlier, a Criminal case was registered in Crime No.260 of 2017 for an offence under Section 304(ii) I.P.C. on the ground that their vehicle has been involved in an accident, in which, one Muthusamy was died, and during the investigation, the above vehicle was seized by the respondent police. Subsequently, the petitioner filed a petition seeking return of vehicle claiming to be the owner of the vehicle. The Court below dismissed the petition holding that the petitioner did not produce any documents to show the ownership of the vehicle. Challenging the same, the present revision has been filed.

3 . The learned counsel for the petitioner would submit that the vehicle was registered in the name of a company, and the petitioner, who is the manager of the company, after obtaining a power of attorney from one of the Directors of the Company, had filed an application before the Court below. The learned counsel for the petitioner would further submit that the petitioner will file an application through a director of the company and produce necessary documents to show the ownership of the vehicle.

4 . In the above circumstances, this Criminal Revision Case is disposed of with liberty to the petitioner to file a fresh petition through a Director of the company by producing evidence to prove the ownership of the vehicle and on filing of such application, the court below is directed to consider the same and pass appropriate orders on merits.

-s/d-

Assistant Registrar(CSII)

True Copy

Sub-Assistant Registrar

To
The Judicial Magistrate,
Omalur.

+1 cc to Mr.T.Ganesan Advocate sr 41156

Cr1.R.C.No.777 of 2017

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