

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.06.2017

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C.No.806 of 2017

Siva

.. Petitioner

Vs

State rep. by

TheInspector of Police,
Valathi Police Station.
(Cr.No.28 of 2017)

.. Respondent

Criminal Revision filed under sections 397 read with 401 of Criminal Procedure Code to set-aside the order dated 13.04.2017 made in C.M.P.No.531 of 2017 on the file of the Judicial Magistrate, Gingee and to allow the above Criminal Revision Petition.

For Petitioner : Mr.Y.Deva Arul Prakash

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

ORDER

Challenging the order, dated 13.04.2017 passed by the Judicial Magistrate, Gingee dismissing the application in C.M.P.No.531 of 2017 filed by the petitioner for the return of the vehicle, the present revision has been filed.

2. The petitioner claims to be the owner of the auto bearing registration No.TN 25 BA 0300. The above auto was seized by the respondent police in connection with the case on the ground that the auto was involved in the crime which was registered for offences under Sections 147, 148, 364, 323,324, 307 and 302 IPC in Cr.No.28 of 2017 on the file of the respondent police.

3. According to the petitioner, he is not an accused in the above crime. The auto was hired by somebody else and it was alleged to have been used to commit the crime about which he had no knowledge and the same was seized on 22.01.2017. Hence, he filed an application for the return the vehicle and the Court below dismissed the same. Challenging the same, the present revision petition has been filed.

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

5. Admittedly, the petitioner is not an accused in this case. The auto was taken on hire by somebody else and it was seized by the police on 22.01.2017. The vehicle is now exposed on sun and rain unnecessarily to suffer damage and deterioration. No purpose will be served if the vehicle is allowed to be confined in the custody of the respondent.

6. 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.TN 25 BA 0300 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 until the disposal of the case;

iii.the petitioner shall execute a bond for a sum of Rs.20,000/-(Rupees twenty thousand only) before the Judicial Magistrate, Gingee;

iv.the petitioner shall give an undertaking that he will not use or entrust the vehicle to anybody for any illegal activities in future,

v. the petitioner shall take photograph of the vehicle; and produce the same before the Court below;

vi.the petitioner shall also produce the vehicle as and when required either before the court below or before the respondent police.

8. This, the Criminal Revision is disposed of as indicated above.

22.06.2017

Index: Yes/No

Internet: Yes/No

Speaking order/ non-speaking order

aav/ mrp

Note : Issue order copy on 12.10.2017

To

1.The Judicial Magistrate I,
Gingee.

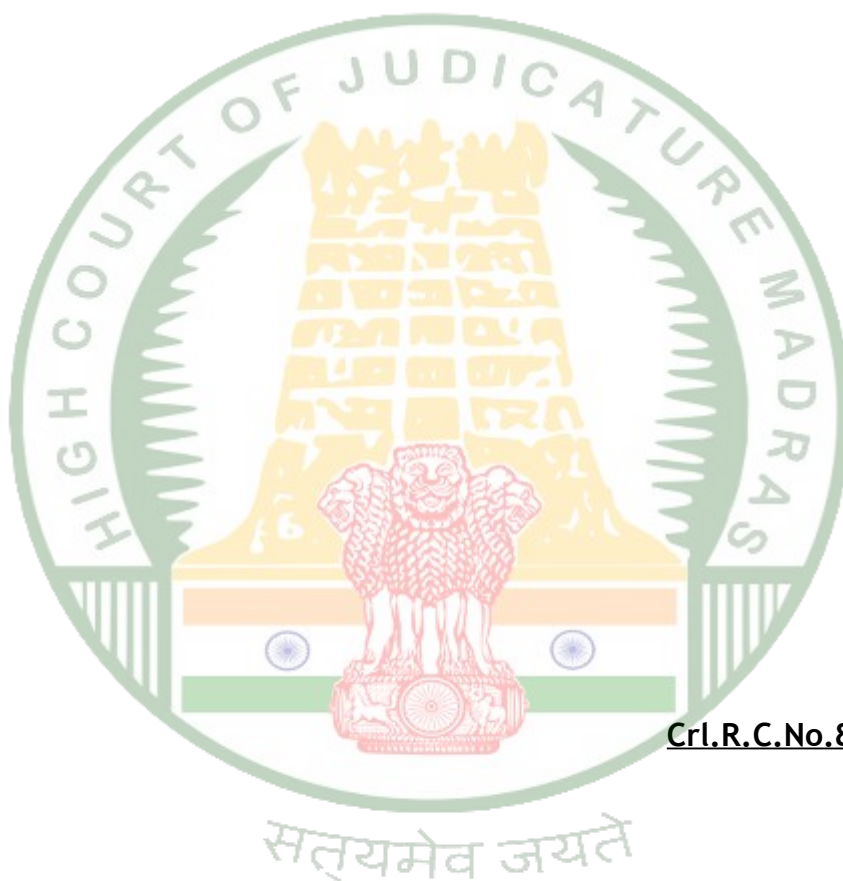
2.The Sub Inspector of Police,
Valathi PS

3.The Public Prosecutor,
High Court, Madras.

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V.BHARATHIDASAN, J.,

aav/mrp



Crl.R.C.No.806 of 2017

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