IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2017

CORAM

THE HON'BLE MR. JUSTICE **R.SURESH KUMAR**

Crl.R.C.No.985 of 2017

Krishnamoorthy ...Petitioner

Vs.

The Inspector of Police,
NIB-CID, Vellore.
Crime No.23 of 2017 ...Respondent

Prayer:- Petition filed under Section 397 & 401 of the Criminal Procedure Code, 1973 praying to set aside the judgment passed in C.M.P.No.209 of 2017 in Crime No.23 of 2017 on the file of the learned Special Court for EC Act Case, Salem.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

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O R D E R

This revision case has been filed against the order passed by the learned Special Court for EC Act Case, Salem in C.M.P.No.209 of 2017

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in Crime No.23 of 2017, dated 27.06.2017.

2. The petitioner claims to be a owner of the vehicle, Auto Rickshaw, bearing registration No.TN 23 AD 7015. The said vehicle was seized and handed over to the trial Court on 23.05.2017 in connection with the case in C.P.No.14 of 2017 on the file of the said Court.

3. The petitioner had moved an application before the trial Court seeking interim custody of the said vehicle. The said application filed by the petitioner for interim custody has been rejected by the learned Judge by the impugned order dated 27.06.2017. As against which, the present revision case has been filed.

4. The learned Judge in the impugned rejection order has given the reasons for such rejection. According to the learned Judge, the petitioner did not produce the relevant documents to show how that the petitioner has become the owner of the vehicle and how the permit has been transferred in the name of the petitioner in respect of the said vehicle. In this regard, though the documents seems to have been filed by the petitioner before the trial Court, and after considering those

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documents, the learned Judge has come to the conclusion that the petitioner has not proved that he is the owner of the vehicle and therefore on that ground, the learned Judge rejected the said plea for the interim custody.

5. I have heard Mr.T.Muruganantham, learned counsel appearing for the petitioner as well as Mr.C.Iyyapparaj, learned Additional Public Prosecutor for the respondent.

6. The learned counsel appearing for the petitioner, in fact, has produced the original R.C. Book as well as the permit which stands in the name of the petitioner before, this Court, for perusal. Along with the said R.C. Book as well as the permit which stands in the name of the petitioner, the learned counsel has also produced the previous documents i.e, original R.C. Book as well as the original permit and subsequently how it has been transferred to the name of the petitioner. All these documents would show that as to the permit as well as the ownership of the vehicle has been transferred through various persons and ultimately the petitioner has become owner of the said vehicle. The vehicle originally was in the name of one P.Saravanan from whom it has been transferred to one

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N.Prumal from whom to one D.Suresh Babu and which in turn come to one A.Vijayakumar and from whom, ultimately the ownership has come to this petitioner.

7. I have perused these documents filed before this Court. Both R.C. Book as well as the permit which stands in the name of the petitioner were filed by the learned counsel for the petitioner which reveal that the ownership, as well as the permit would expire only on 03.08.2020, stands in the name of the petitioner.

8. In view of the said documents having been produced before this Court, which disclose the fact that the vehicle in question stands in the name of the petitioner along with the permit, there can be no further impediment for arriving at a conclusion that the petitioner is the owner of the said vehicle, at least for the purpose of considering the application for interim custody.

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9. In view of the aforesaid facts, the impugned order passed by the learned Magistrate rejecting the application of the petitioner for interim custody of the vehicle, on the only ground of not proving the

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ownership of the vehicle is set aside.

10. In the result, there shall be a direction that the vehicle in question i.e, Auto Rickshaw bearing registration No.TN23AD7015 shall be released to the petitioner on the following conditions:-

(i) the petitioner shall execute a bond for a sum of Rs.30,000/- (Rupees thirty thousand only) to the satisfaction of the learned Special Court of E.C. Act cases, Salem within a period of two weeks from the date of the receipt of a copy of this Order,

(ii) the petitioner shall not sell or tamper the said vehicle without the order of the trial Court and also on further condition that

(iii) the petitioner shall produce the said vehicle as and when required by the respondent police for further investigation of the case.

11. With these conditions, the present criminal revision case is allowed.

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Speaking/non speaking order.

Index :Yes/No

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R.SURESH KUMAR,J.

rts

To

1. The Presiding Officer,
   The Special Court for EC Act Case,
   Salem.
2. The Inspector of Police,
   NIB-CID, Vellore.
3. The Public Prosecutor,
   High Court, Madras.

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