

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.1667 of 2016

Kannan

... Petitioner

Vs.

The State by
Inspector of Police
Vennandur Police Station
Rasipuram Taluk,
Namakkal District.

... Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the judgment by the learned Principal Sessions Judge, Namakkal passed in C.M.P.No.275 of 2016 in S.C.No.32 of 2015 on 14.11.2016 Crime NO.129/2013 on the file of the Principal Sessions Judge, Namakkal and quash the same and consequently direct the Respondent to Return the property Viz, Maruthi Omnicar model 2009, Petrol-LPG Silky Silver Colour, bearing Registration No.TN 28. AY.5676, Chassis No.MA3EVB11SO1154354 and Engine No.F8BIN4175076 to the Petitioner's custody.

For Petitioner : Mr.M.Elango

For Respondent : Mr.M.Mohammed Riyaz

Government Advocate (Crl.Side)

O R D E R

This revision arises against judgment of learned Principal and Sessions Judge, Namakkal, passed in C.M.P.No.275 of 2016 in S.C.No.32 of 2015 on 14.11.2016.

2. Respondent registered a case against petitioner and six others in Crime No.129 of 2013 on the file of the respondent police for offences punishable u/s.302,120(b),147,148,302 and 212 IPC and seized petitioner's vehicle viz.,Maruthi Omni Car, Model 2009, bearing Reg.No.TN 28 AY 5676 in connection therewith. Petitioner moved a petition in C.M.P.No.275 of 2016 in S.C.No.32 of 2015 seeking return of vehicle. Trial Court, dismissed the said petition, under the impugned order dated 14.11.2016. Hence, the petitioner is before this court by way of this revision.

3. Heard learned counsel for petitioner and learned Government Advocate (Crl.side).

4. Learned counsel for petitioner relied upon the judgment of Apex Court in *Sunderbhai Ambalal Desai Vs. State of Gujarat*, [2002 (10) SCC 283], which elucidates the power of this Court to grant custody of the vehicle pending trial.

5. Per contra, learned Government Advocate submitted that the vehicle was used for commission of offence and hence interim custody should not be granted.

6. The Court below has arrived at a finding after perusing the charge sheet and that the vehicle was used at the time of occurrence and dismissed the petition.

7. Considering all the above facts, this Court finds no reason to interfere with the judgment under challenge.

The Criminal Revision Case shall stand dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal District and Sessions Judge,
Namakkal.

2. The Public Prosecutor,
High Court, Madras.

3. The Inspector of Police
Vennandur Police Station
Rasipuram Taluk,
Namakkal District
+1 cc to M/s.Elango Advocate sr 7903

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