

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.933 of 2016

&

Crl.M.P.No.733 of 2017

Arul
S/o.Sekar

.. Petitioner

vs.

The State represented by
Inspector of Police
Kalasapakkam Police Station,
Tiruvannamalai District ki68

.. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. against the order of learned Judicial Magistrate, Tiruvannamalai District set aside the Order passed by the learned Judge made in Crl Mp No. 04/01/2016 dated 15/06/2016 and Order return of the vehicles (Tractor and Trailer) hearing chassing No. WACH 40622 106721, Engine NO. 43,1024/SRH and trailer No.TN. 25C.1332 concerned in crime No. 131 of 2016 on the file of the Inspector of police, kalasapakkam Police Station, Tiruvannamalai District to the custody of the Petitioner herein.

For Petitioner : Mr.T. Shanmugam

For Respondent : Mr.M. Mohamad Priya 2

Government Advocate [Crl.side]

O R D E R

This revision arises against the order of learned Judicial Magistrate V, Salem, passed in Crl.M.P.No.3884 of 2016 in Crime No.184 of 2016 on 28.07.2016.

2. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

3. Taking note of the concern of the prosecution that an unregistered vehicle had been used for illegal purpose, this Court had passed the following interim order on 19.01.2017 :

" By way of interim order, this Court

directs the interim custody of the unregistered tractor bearing Engine No.431024/SRH 08841 and chassis No, WACH 40622160721 to the petitioner.

2. The learned Judicial Magistrate No.1, Thiruvannamalai is directed to handover the Tractor to the petitioner on 24.01.2017. The petitioner shall effect the registration of the vehicle and return the said vehicle to the custody of the learned Judicial Magistrate No.1, Thiruvannamalai not later than 01.02.2017."

4. The vehicle presently has been registered under registration No. TN-25-BC-2590 and the vehicle has been returned to the Court below on 01.02.2017.

5. In the attendant facts and circumstances of the case, this Court is of the considered view that no prejudice would be caused to the prosecution in the event of granting the relief of interim custody of the tractor bearing registration No.TN-25-BC-2590 to the petitioner on fulfilling the following conditions:

i. the petitioner shall establish the ownership of the vehicle by producing necessary original certificates before the respondent police and as well as before the learned Magistrate and the learned Magistrate on verification, shall retain the original documents, if necessary;

ii. the petitioner shall not alienate or encumber the vehicle in any manner till adjudication is over;

iii. the petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Judicial Magistrate 1, Thiruvannamalai; and

iv. the petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities and also to produce the vehicle as and when required.

The Criminal Revision Case is disposed of with the above direction.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

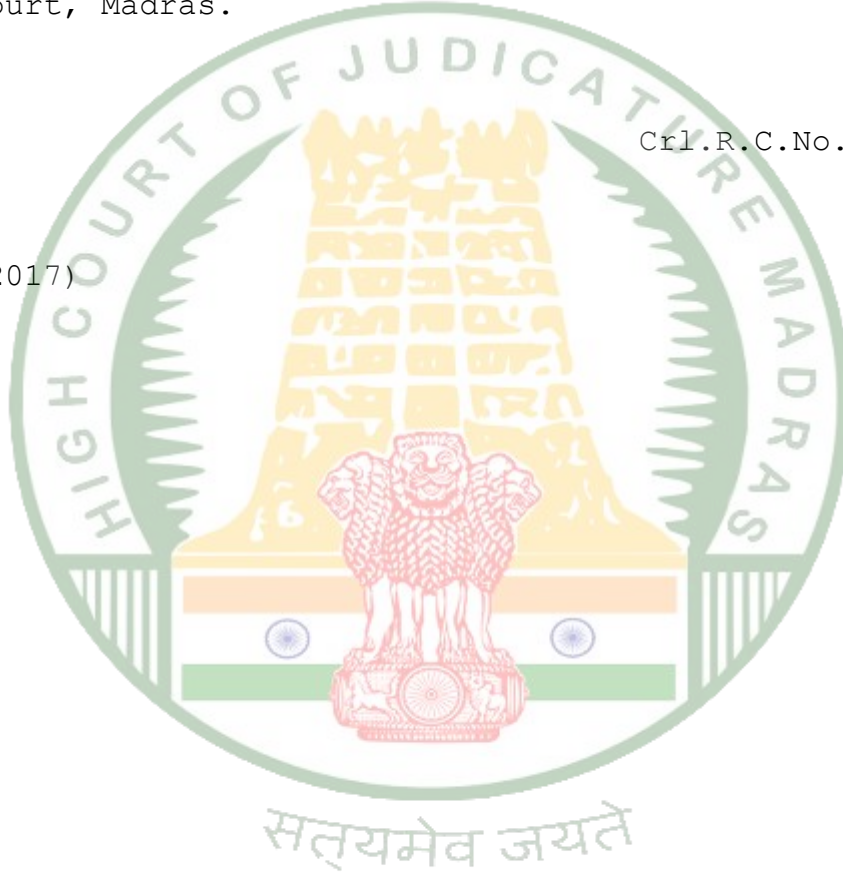
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To

1. The Judicial Magistrate 1,
Thiruvannamalai.
2. The Inspector of Police
Kalasapakkam Police Station,
Tiruvannamalai District
3. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.933 of 2016

NM(CO)
VR(05/04/2017)



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