



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C (MD) .No.598 of 2017

WEB COPY

Vijaya

... Petitioner

Vs

The State through
The Inspector of Police,
Periyakulam Police Station,
Crime No.225/2016

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of criminal procedure code call for the records and return the vehicle interim custody to this petitioner in Crl.M.P.No.926 of 2017 in Spl.S.C.No.3 of 2017 pending on the file of the Sessions Judge/Mahalir Neethimandram (FTC), Theni and set aside the same.

For Petitioner : Mr.P.Kalyanaramachandran

For Respondent : Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor

O R D E R

This Criminal Revision Case has been filed challenging the order dismissing the petitioner's application filed under Section 451 Cr.P.C seeking return of vehicle.

2.According to the petitioner, she is the owner of Bajaj CT 100 (two wheeler), bearing Reg.No.TN - 60 - AA - 2517. Her son has been implicated in a criminal case for the offence punishable under Sections 294(b) and 506(i) IPC and 8 of the Protection of Children from Sexual Offences Act, 2012. During investigation, the above vehicle was seized on 26.05.2016, as it was involved in the said crime and now it is under the custody of the respondent. Seeking return of vehicle, the petitioner has filed a petition before the Court below and the same was dismissed holding that she has purchased the vehicle through hire purchase agreement and the petitioner cannot be considered as owner and therefore, the vehicle cannot be returned to her. Challenging the same, the present Criminal Revision Case has been filed.

3.I have heard Mr.R.Kalyanaramachandran, learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor, appearing for the respondent and perused the records carefully.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Admittedly the petitioner is not the accused in the above



criminal case and even though the vehicle has been purchased under hire purchase scheme, the financier did not file any petition seeking return of vehicle.

5. Considering the fact that the vehicle has been seized on 26.05.2016 and it is in the custody of respondent police and the value of the vehicle would be deteriorated if the same is exposed to sun and rain, I am inclined to allow the present Criminal Revision Petition.

6. In fine, this Criminal Revision Case is allowed and the impugned order passed in Crl.M.P.No.926 of 2017 in Spl.S.C.No.3 of 2017 by the Sessions Judge/Mahalir Neethimandram (FTC), Theni is set aside and the vehicle viz., Bajaj CT 100 two wheeler, bearing Reg.No.TN - 60 - AA - 2517 is directed to be handed over to the revision petitioner. The Court below is directed to return the vehicle to the petitioner herein with the following conditions:-

i) The Petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) with two sureties to the satisfaction of the learned Sessions Judge/Mahalir Neethimandram (FTC), Theni;

ii) The petitioner shall surrender the R.C.Book and the learned Sessions Judge/Mahalir Neethimandram (FTC), Theni is at liberty to return the R.C.Book for renewal of the registration or for insuring the vehicle. The R.C Book can be obtained from the court by filing a petition and after the accomplishment of the purpose, the same should be returned to the court; and

iii) the petitioner shall also file an affidavit of undertaking to the effect that:

a) she will not alienate the vehicle without obtaining an order from the Sessions Judge/Mahalir Neethimandram (FTC), Theni;

b) she will produce the said vehicle before the Court as and when summoned to produce the same; and

c) no major alteration excepting the necessary repairs to make the vehicle road worthy shall be made.

Sd/-

Assistant Registrar(Writs)

/True copy/



To

1.The Sessions Judge/Mahalir Neethimandram (FTC), Theni

2.The Inspector of Police,
Periyakulam Police Station,

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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27.07.2017

MJ

KK/JC/SAR2/16.08.2017/ 3P- 4C/