



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE B. GOKULDAS

Crl.R.C. (MD) .No.65 of 2017

M.Sivakumar

.. Petitioner/Petitioner

Vs.

The State Rep by,
Inspector of Police,
Elaiyangudi Police Station,
Sivagangai District.
(Crime No.367/2016)

.. Respondent/Respondent

Prayer:- Criminal Revision petition is filed under Section 397 r/w 401 Cr.P.C. to call for the records of the order passed in Cr.M.P.No.3292 of 2016 dated 10.01.2017 passed by the learned Judicial Magistrate, Elaiyangudi on the file of respondent police in Crime No.367 of 2016 and set aside the same and order for the return of the vehicle Mahindra XYLO bearing register No.TN 05 AM 8035.

For Petitioner : M.J.Vijayaraja
For Respondent : Mrs.S.Prabha (Crl.Side)
Government Advocate

ORDER

The Criminal Revision Petition is filed to call for the records of the order passed in Cr.M.P.No.3292 of 2016 dated 10.01.2017 by the learned Judicial Magistrate, Elaiyangudi on the file of respondent police in Crime No.367 of 2016 and set aside the same and order for the return of the vehicle Mahindra XYLO bearing register No.TN 05 AM 8035.

2. Learned counsel for the petitioner present and heard. Learned Government Advocate (Criminal Side) present and heard. She also filed counter affidavit.

3. Considering the submissions made by the learned counsel on either side and also perusing the typed set of papers and the counter affidavit, the impugned order passed by the learned Judicial Magistrate, Elaiyangudi in Cr.M.P.No.3292 of 2016, dated 10.01.2017, is hereby set aside and the Magistrate concerned is



directed to consider the petition filed under Section 451 Cr.P.C. on the present stage of the case and dispose of the same on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this order, in respect of the Item No.1 of the property, i.e. the above said vehicle. The Criminal Revision Petition is ordered accordingly.

Sd/

Assistant Registrar (C.S-I)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate, Elaiyangudi.
- 2.The Inspector of Police, Elaiyangudi Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.J.Vijayaraja, Advocate, in SR No.6871.

Cr1.R.C.(MD).No.65 of 2017
08.02.2017

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