

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED:18.08.2017

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN**Cr1.R.C(MD) .No.655 of 2017**

Mukthar

... Petitioner/accused/
Owner of the Property

-Vs-

State represented by
The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.
(Cr.No.131/2017)

... Respondent / Respondent

Prayer: Criminal Revision Case is filed under Section 397(1) r/w 401 of the Code of Criminal Procedure, praying to call for the records in Cr1.M.P.No.6307 of 2017, dated 08.08.2017, on the file of the learned Judicial Magistrate, Santhankulam, Thoothukudi District and set aside the same and direct to handover the custody of vehicle viz., Suzuki Motor Cycle bearing Registration No.TN 92 A 3565 (remanded in P.R.No.149 of 2017) which has been seized by the respondent herein in Crime No.131 of 2017.

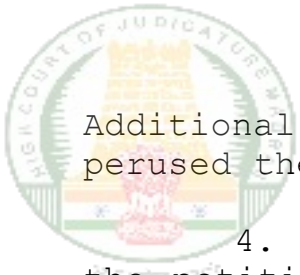
For Petitioner	: Mr.A.Thiruvadi Kumar
For Respondent	: Mr.C.Mayil Vahana Rajendran Additional Public Prosecutor

O R D E R

This Criminal Revision Petition has been filed, challenging the order passed by the learned Judicial Magistrate, Sathankulam, Thoothukudi District in Cr.M.P.No.6307 of 2017, dated 08.08.2017.

2.The petitioner is an accused in Crime No.131 of 2017, for the offences under Sections 341, 294(b), 307 and 506(ii) of IPC and during the investigation the two wheeler belongs to the petitioner bearing Registration No.TN-92-A-3565 has been seized by the respondent police on 22.06.2017. Subsequently, the petitioner filed an application seeking return of the vehicle. But the Court below dismissed the said application. Now, challenging the same, the present revision has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>
3. I have heard Mr.A.Thiruvadi Kumar, learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran,



Additional Public Prosecutor, appearing for the respondent and perused the records carefully.

4. The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and the vehicle is no way involved in the occurrence. He further submitted that if the vehicle is kept idle in the sun and rain, certainly it would diminish the value of the same. He further gives an undertaking that he would not use the vehicle for any illegal purpose.

5. Taking into consideration of the fact that the vehicle was seized on 22.06.2017 and the vehicle is in custody of the police for nearly two months, I am inclined to set aside the impugned order, dated 08.08.2017 and this Criminal Revision Case stands allowed and the vehicle, namely Suzuki Motor Cycle, two-wheeler bearing Regn.No.TN 92 A 3565 is directed to be handed over to the revision petitioner with the following conditions:

- i) The Petitioner shall produce proof of ownership of the vehicle;
- ii) 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 Judicial Magistrate, Sathankulam, Thoothukudi District;
- iii) The petitioner shall surrender the R.C.Book and the learned Judicial Magistrate, Sathankulam, Thoothukudi District 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
- iv) the petitioner shall also file an affidavit of undertaking to the effect that:
 - a) he will not alienate the vehicle without obtaining an order from the learned Judicial Magistrate, Sathankulam, Thoothukudi District;
 - b) he 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 (CS-II)

/True Copy/

Sub Assistant Registrar



To

1. The Judicial Magistrate,
Sathankulam,
Thoothukudi District.

2. The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.

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

+1cc to M/S. A.THIRUVADI KUMAR, Advocate, SR.No.73060.

Crl.R.C(MD) No.655 of 2017
18.08.2017

PJL

SDS/SKN:RSK/SAR 1/30.08.2017/3P/5C