



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Crl.R.C.(MD)No.897 of 2017

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Sathiskumar

... Revision Petitioner/
Petitioner

Vs.

State through the
The Sub-Inspector of Police,
Vasudevanallur Police Station,
Tirunelveli District.
(In Crime No.154 of 2017)

... Respondent /Complainant

PRAYER: The Petition filed under Section 397 r/w 401 of Cr.P.C. to call for the records pertaining to the order passed by the District Munsif Cum Judicial Magistrate Court, Sivagiri in Crl.M.P.No.3893 of 2017 in Crime No.154 of 2017, dated 17.08.2017 dismissing the petition filed by the Revision Petitioner under Section 451 of Cr.P.C and allow this petition to grant custody of vehicle tractor bearing Registration No.TN 72 W 6813 in PR No.294 of 2017 which was seized by the respondent Police in Cr.No.154 of 2017.

For Petitioner : Mr.S.Senthil Sankara Natha

For Respondent : Mr.C.Mayilvahana Rajendren,
APP

ORDER

This Criminal Revision petition has been filed to set aside the impugned order dated 17.08.2017 passed by the District Munsif cum Judicial Magistrate Court, Sivagiri in Crl.M.P.No.3893 of 2017 in Crime No.154 of 2017, dismissing the petition filed by the revision petitioner under Section 451 of Cr.P.C and to grant custody of vehicle namely, Tractor bearing registration No.TN 72 W 6813 in P.R.No.294 of 2017 which was seized by the respondent Police.

2.The learned counsel for the petitioner is present. Mr.C.Mayilvahana Rajendren, Additional Public Prosecutor takes notice for the respondent herein. Heard both sides.

3.The learned counsel for the petitioner submitted that the petitioner herein is the third party, claiming ownership of the Trailer, bearing Registration No.TN 72 W 6813 and he filed a



petition to return of the said vehicle under Section 451 of Cr.P.C and the same was dismissed by the Court below for non appearance of the petitioner before the Trial Court. Against the order of dismissal, the present Criminal Revision case is preferred by the petitioner herein.

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4.The learned Additional Public Prosecutor appearing for the respondent submitted that he has no objection to remand the matter for fresh disposal on merits by the concerned Magistrate.

5.Considering the facts and circumstances of the case and also considering the fact that the impugned order was passed without hearing the petitioner side and also the respondent side, this Court is inclined to allow this Criminal Revision case by setting aside the impugned order dated 17.08.2017 in CrI.M.P.No.3893 of 2017 by the District Munsif cum Judicial Magistrate Court, Sivagiri and remand back the matter to the concerned Court for fresh disposal in accordance with law, after giving sufficient opportunity to both sides. This Criminal Revision case is ordered accordingly.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

1. The District Munsif Cum Judicial Magistrate Court,
Sivagiri.
- 2.The Sub-Inspector of Police,
Vasudevanallur Police Station,
Tirunelveli District.
(In Crime No.154 of 2017)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CrI.R.C. (MD) No.897 of 2017

04.12.2017

gns

KK/JC/SAR 4/18.12.2017/ 2P- 4C/