



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Crl.R.C.(MD)No.921 of 2017

Maridurai

... Petitioner

Vs.

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

... Respondent

PRAYER: The Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to call for the records pertaining to the order passed by the District Munsif cum Judicial Magistrate, Sivagiri in Crl.M.P.No.3894 of 2017 in Crime No.154 of 2017 dated 17.08.2017 dismissing the petition filed by the revision petitioner under Section 451 Cr.P.C.and allow this petition to grant custody of vehicle Tractor bearing registration No.TN 76 B 1509 in P.R.No.294 of 2017 which was seized by the respondent Police in Crime No.154 of 2017 to the custody of the petitioner pending investigation allowing this revision petition.

For Petitioner : Mr.S.Senthil Sankaranathakumar

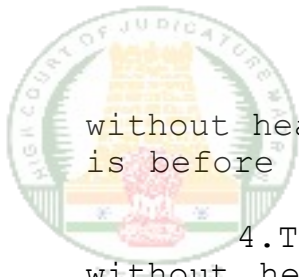
For Respondent : Mr.C.Mayilvaha Rajendran, APP

O R D E R

The Criminal Revision Case is filed to call for the records pertaining to the order 17.08.2017 passed in Crl.M.P.No.3894 of 2017 by the District Munsif cum Judicial Magistrate, Sivagiri, dismissing the petition filed by the revision petitioner under Section 451 Cr.P.C. and to grant the custody of the Tractor bearing registration No.TN 76 / B 1509 in P.R.No.294 of 2017 which was seized by the respondent Police in Crime No.154 of 2017 to the custody of the petitioner.

2.The learned counsel for the petitioner is present. Mr.C.Mayilvahana Rajendran, Additional Public Prosecutor takes notice for the respondent Police. Heard both sides. By consent of parties, this Criminal Revision case is taken up for final disposal at the admission stage itself.

3.The petitioner claims ownership of a Tractor bearing registration No.TN 76 / B 1509 in P.R.No.294 of 2017 which was seized and remanded to the learned Judicial Magistrate, Sivagiri in P.R.No.290 of 2017. The petitioner filed a petition in Crl.M.P.No.3894 of 2017 seeking interim custody of the said vehicle and the said petition was dismissed by the court below on 17.08.2017



without hearing the arguments on either side. Hence, the petitioner is before this Court by filing the present Criminal Revision Case.

4.The learned counsel for the petitioner contended that without hearing the parties to the proceedings the impugned order was passed.

5.The learned Additional Public Prosecutor appearing for the respondent would concede that the matter may be remanded to the court below for fresh disposal on merits after hearing both parties.

6.Considering the facts and circumstances of the case and also considering the fact that without hearing the parties on either side, the impugned order was passed by the learned District Munsif cum Judicial Magistrate, Sivagiri in CrI.M.P.No.3894 of 2017 on 17.08.2017. Accordingly, this Criminal Revision case is allowed setting aside the impugned order dated 17.08.2017 in CrI.M.P.No.3894 of 2017 by remitting the matter back to the District Munsif cum Judicial Magistrate, Sivagiri for fresh disposal on merits and in accordance with law, after providing sufficient opportunity to both parties.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1.The District Munsif cum Judicial Magistrate,
Sivagiri.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District

3.The Sub Inspector of Police,
Vasudevanallur Police Station, Tirunelveli District.

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

+One cc to Mr.S.Senthil Sankaranathakumar, Advocate, SR.No.92412

nbj

RL/6C/2P/SV/MMS/SAR3/2/2/2018

CrI.R.C. (MD) No.921 of 2017
12/12/2017