

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.378 of 2018

K.Manikandakaruppan

...Petitioner

Vs.

State Rep.by Inspector of Police
District Crime Branch,
Krishnagiri, Krishnagiri District.

...Respondent

PRAYER: Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order passed in M.P.No.528 of 2016 in C.C.No.4 of 2016 dated 09.12.2016 on the file before the Chief Judicial Magistrate Court, Krishnagiri and to direct the Court below to Return of Property in C.C.No.4 of 2016 on the file of Chief Judicial Magistrate Court, Krishnagiri.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.R.Surya Prakash
Government Advocate

O R D E R

This Criminal Revision Petition is filed by the petitioner to set aside the order passed in M.P.No.528 of 2016 in C.C.No.4 of 2016 dated 09.12.2016 on the file before the learned Chief Judicial Magistrate, Krishnagiri and to direct the Court below to Return of Property in C.C.No.4 of 2016 on the file of Chief Judicial Magistrate Court, Krishnagiri.

2. Hear both sides.

3. Two vehicles having Registration Nos.TA-01-AE-2469 and TN-70-S-0092 were seized as a case property in connection with the crime number "not known" by the District Crime Branch, and were allegedly under Sections 294(b), 506(i), 353, 379 IPC r/w 21(1) (iv) of M.M.Act & 12 r/w 7 of IPC, however, the vehicle belonging to Registration No.TN-70-S-0092 has not been produced.

4. By an order of interim custody, vehicles were originally given to the petitioner herein, on certain conditions as contained in the impugned order. For the non compliance of conditional order, the learned Magistrate has ordered for

seizure of vehicle bearing Registration No. KA-01-AE-2469. But, the petitioner he has not produced the vehicle bearing Registration No.TN-70-S-0092 and hence, the Police sought for an order of recovery of the vehicle. Aggrieved, against the said order, the petitioner has preferred this Revision.

5. The learned Government Advocate on instructions, stated that the petitioner has sold one of the vehicles and hence, further, he also not complied with the conditions which are imposed in the earlier order of interim custody and the petitioner lacks bona fide and strongly opposed for interim custody or the vehicle to the petitioner.

6. After hearing of the both parties and also taking note of memo filed by the petitioner, this Court is inclined to grant interim custody to the petitioner, subject to condition that the petitioner's owner has to produce the original R.C.Book to the learned Judicial Magistrate and in that event, there being any hire purchase, the learned Magistrate Court shall make the seal on the R.C.Book and make an endorsement about the pendency of the case. With regard to other conditions has stated by the trial Court, viz.,

1. The Original R.C. Book was pledged with the finance, the petitioner is directed to file an affidavit regarding the said fact.

2. The petitioner shall execute a bond for a sum of Rs.5,00,000/- with one surety for like sum.

3. The visible photograph of the vehicle shall be produced with registration number and the C.D.

4. The physical features of the vehicle shall not be altered, till the final orders will be passed.

5. The vehicle shall be produced on the first working day of Every English month till further orders.

6. The vehicle shall not be alienated or encumbered till the final orders.

7. This Criminal Revision Petition is ordered.

Sd/-

Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

dna

To

1.The Chief Judicial Magistrate Court,
Krishnagiri.

2.The Inspector of Police
District Crime Branch,
Krishnagiri, Krishnagiri District.

+1cc to Mr.M.P.Saravanan, Advocate SR.No.31046

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