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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL RC No.379 of 2018

Neela Murali Krishnan

... Petitioner

Vs.

State represented by
Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai-600 021.

... Respondent

PRAYER: Criminal Revision petition has been filed under Sections 397 and 401 of the Code of Criminal Procedure, to set aside the order in Crl.M.P.No.128 of 2018 by the XV Metropolitan Magistrate, George Town, Chennai, on 16.02.2018 and to return the vehicle of the petitioner vide Reg.No.TN 05 BH 7299 (Mahindra TUV 300 Black).

For Petitioner : Mr.Dr.T.R.Prabhakaran
For Respondent : Mrs.S.Thankira,
Government Advocate

O R D E R

The petitioner has filed this Criminal Revision Petition to set aside the order in Crl.M.P.No.128 of 2018 by the XV Metropolitan Magistrate, George Town, Chennai, on 16.02.2018 and to return the vehicle of the petitioner vide Reg.No.TN 05 BH 7299 (Mahindra TUV 300 Black).

2.The petitioner is the owner of the vehicle bearing Registration No.TN 05 BH 7299. The said vehicle was seized by the respondent Police for the offences punishable under Sections 465, 468, 469, 471 and 420 IPC. The case of the prosecution is that the car was intercepted by the Police during vehicle check up. At the time of occurrence, the complainant was working as the Sub Inspector, (Patrol vehicle incharge) at H6, R.K.Nagar P.S. On 28.12.2017 at about 07.00 to 14.00 hours, during the vehicle check up, the complainant found that there was a fake sticker affixed on the Car allegedly issued by the Secretary of



Tamil Nadu State Assembly and there were Tirunelveli Alwa sweet boxes lying in the car. After investigation, a case was registered in Crime No.1888 of 2017 and the car was seized and that the driver of the car was absconding.

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3.The learned counsel for the petitioner would submit that without the knowledge of the petitioner, the driver, viz., James, of the vehicle was found to ply a vehicle stuck with forged MLA vehicle pass. Therefore, the petitioner being owner of the vehicle had filed a petition in M.P.No.128 of 2018 in Crime No.1888 of 2018 under Section 451 Cr.P.C. before the XV Metropolitan Magistrate, George Town, Chennai. On 16.02.2018, the XV Metropolitan Magistrate, George Town, Chennai, dismissed the application on the ground that the driver of the car was absconded from the scene of occurrence, for which, the lower Court refused to release the vehicle to the petitioner. Hence, the present revision petition is filed.

4.The learned counsel for the petitioner would submit that the driver of the vehicle has already granted anticipatory bail by this Court in CrI.O.P.No.385 of 2018 on 14.03.2018. Hence, he prays for release of the vehicle.

5.The learned counsel for the Additional Public Prosecutor appearing for the State would submit that the driver of the vehicle was enlarged on anticipatory bail by this Court in CrI.O.P.No.1385 of 2018 on 14.03.2018.

6.Heard the learned counsel for the petitioner as well as the learned Special Public Prosecutor for the respondent.

7. To meet the ends of justice, this petition is allowed on condition that the petitioner shall deposit title deeds worth of Rs.2 lakhs to the credit of Crime No.1888 of 2017 before the XV Metropolitan Magistrate, George Town, Chennai and on such condition being complied with, the Court below is directed to return the property to the petitioner.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The XV Metropolitan Magistrate,
George Town, Chennai,



2. Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai-600 021.

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2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.T.R.Prabhakaran, Advocate, S.R.No.73774

CRL R.C No.379 of 2018 &
Crl.M.P.No.10393 of 2018

NRJK(CO)
GSP(23/11/2018)