

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2018

Coram

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Crl. Revision Case No.45 of 2018

Govindaraj

... Petitioner

vs

State rep. by
The Sub Inspector of Police,
Umarabad Police Station,
Umarabad, Ambur Taluk,
Vellore District.

.... Respondent

Prayer : Criminal Revision Petition filed under Section 337 read with 401 of the Code of Criminal Procedure praying to set aside the order dated 12.12.2017 made in CMP.No.3391 of 2017 on the file of the Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District and further direct the respondent to release the vehicle tractor bearing registration number TN-65 9932 together with Tractor to the petitioner.

For Petitioner : Mr.S.P.Arthi

For Respondent : Mr.Harihara Arun Somasankar
(Government Advocate)

ORDER

सत्यमेव जयते

This revision has been filed to set aside the order passed by the learned Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District in Crl.M.P.No.3391 of 2017 dated 12.12.2017 and further direct the respondent to release the vehicle tractor bearing registration number TN-65 9932 together with Tractor to the petitioner.

2. The respondent has seized a Tractor bearing Registration No.TN-65-9932 * **along with trailer** belonging to the petitioner in connection with the case registered in Crime No.314 of 2017 on its file for the offences under Sections 379 & 430 IPC. The petitioner has moved Crl.M.P.No.3391 of 2017 before the learned

Additional District Munsif cum Judicial Magistrate, Ambur, seeking return of the vehicle. Such petition came to be dismissed under orders of the Court below dated 12.12.2017 and hence, this revision.

3. Learned counsel for the petitioner would submit that the petitioner is in need of his vehicle and undertakes that the petitioner will not indulge in any such offences in future and to produce the vehicle on being released as and when directed by the Court below.

4. Heard the learned Government Advocate submits that the petitioner is an accused in this case and he prays for dismissal of this revision.

5. In the circumstances above stated and following the decisions of the Hon'ble Apex Court in *Sunderbhai Ambalal Desai v. State of Gujarat* (AIR 2003 Supreme Court 638) and *General Insurance Council V. State of Andhra Pradesh* in 2010 (3) Supreme Pg. 317, this Court directs as follows:

The Tractor bearing Registration No.TN-65-9932
***along with trailer** shall be placed in the custody of the petitioner after complying with the following:

i) The lower Court shall cause photographs of the vehicle to be taken and record panchanama thereof, the photographs taken shall be read as secondary evidence during trial and production of the vehicle shall be dispensed with.

ii) The vehicle shall then be returned to the petitioner, who shall be at liberty to deal with the same in such manner as considered appropriate.

iii) The petitioner shall deposit a sum of Rs.30,000/- before the Additional District Munsif cum Judicial Magistrate Court, Ambur, Vellore District.

6. The above order is not determinant of the ownership or other rights in respect of the vehicle.

7. In the result, this Criminal Revision petition is allowed. The order of the learned Additional District Munsif cum Judicial Magistrate Court, Ambur, Vellore District, passed in C.M.P.No.3391 of 2017 dated 12.12.2017, is hereby set aside.

Sd/-

Deputy Registrar

Dated: 28.02.2018

* Amended as per order dated 22.03.2018
made in CrI.R.C.No.45 of 2018
listed for being Mentioned
Sd/- Assistant Registrar(CCC)
dated: 22.03.2018.

//True Copy//

Sub Assistant Registrar

kkd
To

1.The Additional District Munsif cum Judicial Magistrate,
Ambur, Vellore District . To be substituted to the
order already despatched
on 21.03.2018

2.The Sub Inspector of Police
Umarabad Police station
Umarabad Ambur Taluk
Vellore District

+1 cc to M/s.S.P.Arthi Advocate sr 21808

CrI.R.C.No.45 of 2018

aa01/03/2018
SP(22/03/2018)

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