

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.484 of 2018

Manikandan

...Petitioner/Accused

Vs.

The Sub-Inspector of Police
Komaralingam Police Station
Tiruppur District
Crime No.244 of 2017

...Respondent/Complainant

PRAYER: Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to call for the records pertaining to the order dated 19.01.2018 made in Crl.M.P.No.204 of 2018 on the file of Judicial Magistrate-I, Udumalpet and set aside the same and consequently direct the respondent to hand over the vehicle to the petitioner.

For Petitioner : Mr.T.Ganesan

For Respondent : Mr.R.Surya Prakash
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Petition has been filed against the order passed in Crl.M.P.No.204 of 2018 in C.C.No.671 of 2017 on the file of the learned Judicial Magistrate-I, Udumalpet.

2. Heard both sides.

3. This petition is filed for interim custody of the vehicle pending disposal of the C.C.671 of 2017 on the file of the Judicial Magistrate-I, Udumalpet before the Trial Court. The respondent police filed an objection, stating that though the petitioner Manikandan is the owner of the Vehicle TATA ACE bearing registration No.TN 38 AK 2885, after returning of the vehicle, he may abscond. It appears that the vehicle is in the custody of the respondent police for a considerable length of time and it is exposed to heat and dust, thereby dismissing its utility value. Therefore, I am of the considered view that,

interim custody may be given to the petitioner, subject to the usual conditions.

i) The respondent 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 till trial period and he has to give understating to produce as and when so directed by this Court.

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.

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

4. Subject to the above conditions, this Criminal Revision Petition is allowed.

Sd/-
Assistant Registrar(CS. VI)

//True copy//

Sub Assistant Registrar

dna

To

1.The Sub-Inspector of Police
Komaralingam Police Station
Tiruppur District
Crime No.244 of 2017

2.The Judicial Magistrate-I,
Udumalpet.

3. The Public Prosecutor, High Court, Madras.

+1cc to Mr.T.Ganesan, Advocate SR.No.29617

Cr1.R.C.No.484 of 2018

SSD(CO)
TR(24/04/2018)