

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Cr1.R.C.No.539 of 2018

Venkatesan

...Petitioner

Vs.

State: rep.by
The Inspector of Police
Sathuvachari Police Station
Vellore District.
Cr.No.363/2017

...Respondent

PRAYER: Petition filed under Section 397 and 401 of Cr.P.C., to call for the records to the order made in C.M.P.No.304/2018 by the learned Judicial Magistrate No.V, Vellore and set aside the same and directing the Judicial Magistrate No.V, Vellore to release the vehicle bearing Regn.No.TN-21-AL-9522, (Chassis.No.KWE538361).

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.T.Shanmuga Rajeswaran
Government Advocate

O R D E R

This Criminal Revision Petition is filed by the petitioner to call for the records of the order made in C.M.P.No.304/2018 by the learned Judicial Magistrate No.V, Vellore and to set aside the same and to direct the Judicial Magistrate No.V, Vellore to release the vehicle bearing Regn.No.TN-21-AL-9522, (Chassis.No.KWE538361).

2. Heard both parties.

3. The petitioner filed an application before the Judicial Magistrate No.V, Vellore, for the return of his vehicle namely, Tipper lorry bearing Regn.No.21-AL-9522 (Chassis No.KWE538361) and the same was dismissed by the trial Court in C.M.P.No.304/2018 on 12.04.2018.

4. The learned counsel for the petitioner submitted that he is the owner of the property in question, hence, he may be given interim custody.

5. However, the learned Government Advocate, on instructions, submitted that the very same vehicle was already involved, in another case Cr.No.176/2017 and recovered as a case property in the years 1991 and 2017 and the vehicle was returned to the petitioner as an interim custody and hence, the petitioner allegedly repeated to have been committed the offence and hence, the petition has been rejected by the trial Court.

6. Considering the conduct of the petitioner and the nature of the vehicle, namely, Tipper lorry and the same was already, the subject matter of crime in Cr.No.176 of 2017, having obtained the same by way of an Judicial order and now, the property was again seized for commission of the same offence and hence, I am not inclined to grant the relief.

7. Accordingly, this Court, this Criminal Revision Petition is dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Inspector of Police
Sathuvachari Police Station
Vellore District.
Cr.No.363/2017

2.The Judicial Magistrate No.V
Vellore.

+lcc to Mr.G.Nirmal Krishnan, Advocate sr.no.30533

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svi(co)
nr 15/05/2018