

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.04.2018
CORAM:
THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN
CrI.R.C.No.546 of 2018

M.Mohamed Hasan

...Petitioner

Vs.

State Rep.by
The Inspector of Police (Crime),
R-5, Virugambakkam Police Station,
Virugambakkam, Chennai - 600 092.
Crime No.1304 of 2017

...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.2447 of 2017 on the file of the XXIII Metropolitan Magistrate F.A.C Saidapet in Cr.No.1304 of 2017.

For Petitioner : M/s.Thenmozhi Shivaperumal

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.2447 of 2017 on the file of the XXIII Metropolitan Magistrate F.A.C Saidapet in Cr.No.1304 of 2017.

2. Hear both sides.

3. The petition is filed before the XXIII Metropolitan Magistrate (F.A.C), Saidapet in M.P.No.2447 of 2017 for return of vehicle, Skoda Laura Car bearing registration No.TN - 41 W 9119 and the same was dismissed. Aggrieved by the said order, the petitioner has preferred this Revision.

4. The learned Government Advocate (CrI. Side), on instructions, submitted that the case was registered and the vehicle was seized for commission of theft for which, he has allegedly used this car. This case is under preliminary stage of investigation.

5. Therefore, I am of the considered view that, interim custody of the vehicle 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.

(iii) Shall Execute a bond for Rs.1,00,000/-

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

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

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police (Crime),
R-5, Virugambakkam Police Station,
Virugambakkam, Chennai - 600 092.

2. The Public Prosecutor,
High Court, Madras.

3. The XXIII Metropolitan Magistrate
FAC Saidapet

+1 cc to M/s. Thenmozhi Shivaperumal Advocate sr 31656

Cr1.R.C.No.546 of 2018

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