

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2018

Coram

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

Crl. Revision Case No.1503 of 2017

Ranjith

... Petitioner

vs

1.State rep.by  
SHO, Inspector of Police,  
PE Wing, Kottakuppam.

2.The Additional Superintendent  
of Police,  
PE Wing, Villupuram

Cr.No.346/2017

..Respondents/Complainant

Prayer : Criminal Revision Petition filed under Section 397 read with 401 of the Code of Criminal Procedure praying to call for the records in Crl.M.P.No.765 of 2017 dated 28.08.2017 made by the learned District Munsif cum Judicial Magistrate, Vanur and set aside the same.

For Petitioner : M/S.P.Prince Premkumar

For Respondents: Mr.R.Suriya Prakash

Government Advocate (Crl.side)

ORDER

This revision has been filed to set aside the order passed by the learned District Munsif cum Judicial Magistrate, Vanur in Crl.M.P.No.765 of 2017 dated 28.08.2017.

2. The first respondent has seized a Tipper lorry bearing Registration No.TN-04-L-7472 belonging to the petitioner in connection with the case registered in Crime No.346 of 2017 on its file for the offences under Section (4)(1)(aaa) and 4(1-A) of TNP Act. The petitioner has moved Crl.M.P.No.765 of 2017 on the file of the learned District Munsif cum Judicial Magistrate, Vanur, seeking return of the vehicle. Such petition came to be dismissed under orders of the Court below dated 28.08.2017 and hence, this revision.

3. The 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 Tipper Lorry bearing Registration No.TN-04-L-7472 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.1,00,000/- on the file of the District Munsif cum Judicial Magistrate, Vanur, within a period of two weeks from the date of receipt of a copy of this order.

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 District Munsif cum Judicial Magistrate, Vanur, passed in C.M.P.No.765 of 2017 dated 28.08.2017, is hereby set aside.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

kkd

To

1. The District Munsif cum Judicial Magistrate,  
Vanur

2. -do- Through The Chief Judicial Magistrate,  
Villupuram.

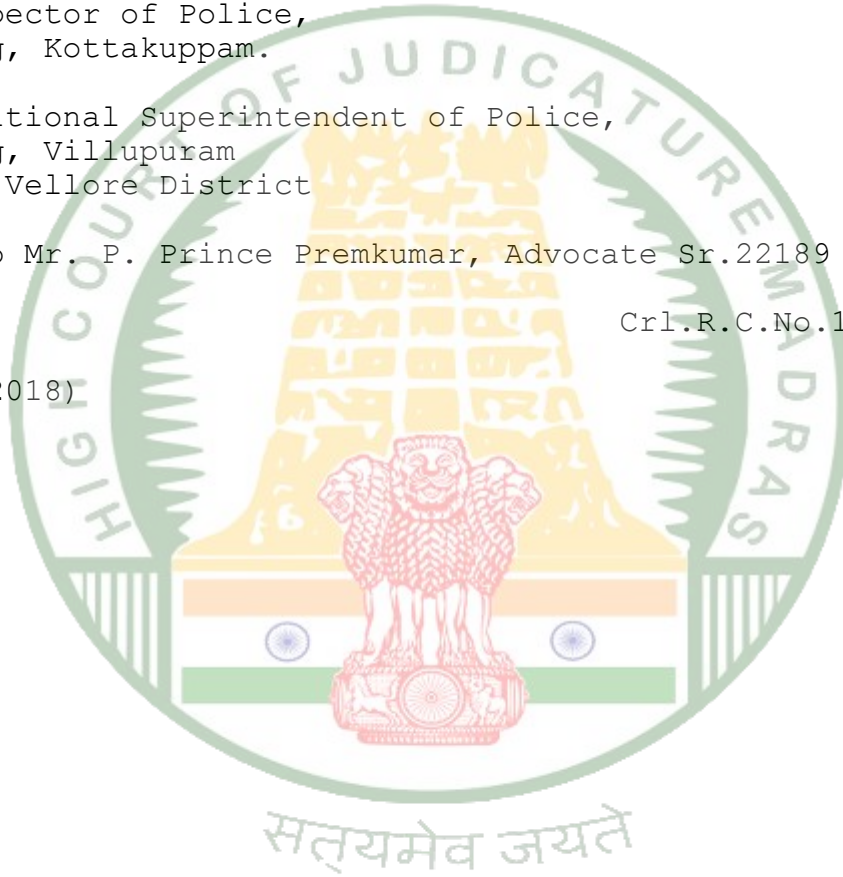
3. The Inspector of Police,  
PE Wing, Kottakuppam.

4. The Additional Superintendent of Police,  
PE Wing, Villupuram  
Ambur, Vellore District

+ 2 ccs to Mr. P. Prince Premkumar, Advocate Sr.22189

Crl.R.C.No.1503 of 2017

SVI(CO)  
EU(20/04/2018)



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