

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.710 of 2018

Kumaravel

...Petitioner

..Vs..

State by

The Sub Inspector of Police,
Thakkolam Police Station,
Vellore District
(Crime No.166 of 2017)

...Respondent

PRAYER: Criminal Revision Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order dated 23.04.2018 made in Crl.M.P.No.151 of 2018 on the file of Judicial Magistrate, Arakkonam return the vehicle of Lorry (Bharath Benze) bearing Regn.No.T.N.21 BZ 5054 to the petitioner herein.

For Petitioner : Mr.R.Sasikumar

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

O R D E R

Heard both sides and perused the records.

2. The learned counsel for the petitioner has submitted that the petitioner is the owner of the vehicle of Lorry (Bharath Benze) bearing Regn.No.T.N.21 BZ 5054 seized by the respondent police on 02.09.2017 in Crime No.166 of 2017 for an alleged offence under Sections 379,430 of I.P.C.

3. The trial Court has dismissed the petition on the ground that the petitioner has not produced any authorized/genuine document to show that the ownership and the document produced by him is not registered.

4. Challenging the said order passed on 23.04.2018 in C.M.P.No.151 of 2018 in Crime No.166 of 2017, the present petition has been filed.

5. The learned Government Advocate (crl.side) has stated that the document produced by the petitioner does not satisfy the criteria and the same is not registered by the owner of the vehicle with the R.T.O and strongly opposed to grant the custody of the vehicle.

6. The learned counsel for the petitioner also produced the another order passed by the Arakkonam Judicial Magistrate in Crime No.115 of 2017 dated 27.07.2017 wherein the very same vehicle seized as a case property in Crime No.115 of 2017, was taken to custody as case property and subsequently released to him and hence, he seeks the custody of the vehicle.

7. After going through the order passed in those cases as well as previous case as stated above, I find that the vehicle was already seized as a case property in Crime No.115 of 2017 and on the commission very same crime and the vehicle has been released by an order dated 27.07.2017 and within one year, the same property has been used for committing very same offence namely the sand quarry.

8. Considering the fact that the vehicle involved in two offences and taking note of the previous antecedent that the vehicle has been regularly used for the illegal act for committing same offence, I am not inclined to allow this petition.

9. Accordingly, this criminal revision petition is dismissed.

Sd/-
Assistant Registrar (CS)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

The Judicial Magistrate, Arakkonam.

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(CS-VII)
EU(20/07/2018)