

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 25.01.2018

Pronounced on : 23.02.2018

CORAM

The Hon'ble Mr.Justice M.V.MURALIDARAN

Crl.R.C.No.1616 of 2017

Musthafa M.V

.. Petitioner

Vs.

State through  
The Inspector of Police,  
Mathigiri Police Station,  
Hosur, Krishnagiri.

.. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. to set aside the order dated 04.12.2017 in C.P.No.313 of 2017 in Crime No.343 of 2017 passed by the learned Judicial Magistrate No.II, **Hosur**, Krishnagiri and consequently, direct the return of the Maruthi Alto Car bearing registration No.TN-43Y-8107 to the petitioner pending trial.

For Petitioner : Mr.K.F.Manavalan

For Respondent : T.Shanmuga Rajeswaran  
Government Advocate (Crl.side)

ORDER

The petitioner challenges the order of the learned Judicial Magistrate No.II, **Hosur**, Krishnagiri, passed in C.P.No.313 of 2017 dated 04.12.2017, rejecting the petition filed for return of vehicle.

2. The respondent has seized Maruti Car bearing registration TN-43Y-8107, Chassis No.**MA3EUA61800999344**, belonging to the petitioner in connection with the case registered in Crime No.343 of 2017 on its file for offence under Section 451 of Cr.P.C. The petitioner has moved C.P.No.313 of 2017 before the learned Judicial Magistrate No.II, **Hosur**, Krishnagiri, seeking return of the vehicle. Such petition came to be dismissed under orders of the Court below dated 04.12.2017 and hence, this revision.

3. Learned counsel for the petitioner would seek to impress upon this Court that a false case stands foisted upon the petitioner. This Court is now concerned with return of

property, pure and simple.

4. Mr.T.Shanmuga Rajeswaran, learned Government Advocate (Crl.side) submits that the petitioner is the owner of the vehicle.

5. In the circumstances above stated and considering the fact that the petitioner is the owner of the vehicle as per copy of Registration certificate produced 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 Maruti Car bearing registration TN-43Y-8107, Chassis No. **\*MA3EUA61800999344**, 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, without imposition of any conditions;

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

7. The petitioner is directed not to alter the ownership of the vehicle till the disposal of the Crime No.343 of 2017 on the file of the respondent Police.

8. In the result, the Criminal Revision is allowed. The order of the learned Judicial Magistrate No.II, **\*Hosur**, Krishnagiri, passed in in C.P.No.313 of 2017, dated 04.12.2017 is set aside.

सत्यमेव जयते Sd/-

Deputy Registrar

Dated : 05/03/2018

**\*Corrected as per order of this Court  
in Crl.M.P.No.1616/17 dated :20/08/2018**

Sd/-

Assistant Registrar

Dated: 06/09/2018

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.II,  
Krishnagiri.

**To be substituted to the  
order already despatched on  
27/03/2018.**

2.The Inspector of Police,  
Mathigiri Police Station,  
Hosur, Krishnagiri.

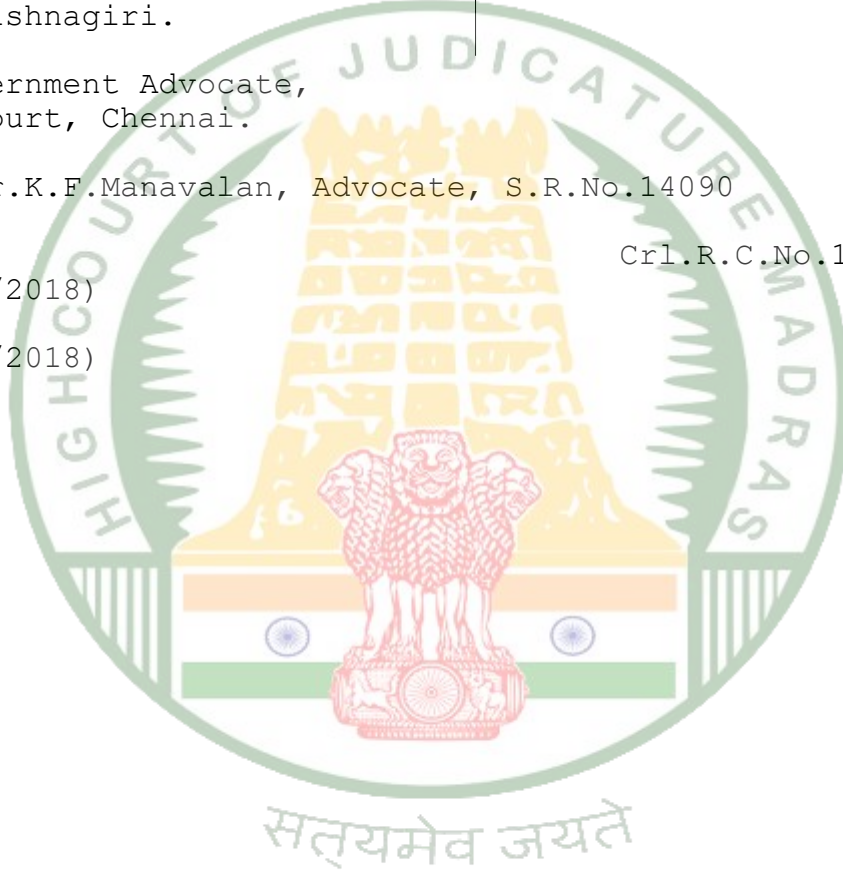
3.The Government Advocate,  
High Court, Chennai.

+1cc to Mr.K.F.Manavalan, Advocate, S.R.No.14090

CrI.R.C.No.1616 of 2017

RRK(09/03/2018)

GMV(10/09/2018)



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