

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[Reserved on : 01.08.2018]

[Pronounced on : 28.08.2018]

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.856 of 2018

Sujitha ... Petitioner/Owner of the Vehicle

... Vs ...

State : rep. by its
Inspector of Police,
Magaral Police Station,
Kancheepuram District.
(Crime No.83 of 2018)

.... Respondent/Complainant

PRAYER: Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the order dated 07.06.2018 passed by the learned Judicial Magistrate No.II, Kancheepuram, in dismissing the petition filed under Section 451 r/w. 457 of Cr.P.C. in Crl.M.P.No.2732 of 2018.

For Petitioner : Mr.G.Punniakoti
For Respondent : Mr.R.Surya Prakash,
Government Advocate

ORDER

This Criminal Revision Case is filed against the order dated 07.06.2018 passed by the learned Judicial Magistrate No.II, Kancheepuram, in dismissing the petition filed under Section 451 of Cr.P.C. in Crl.M.P.No.2732 of 2018.

2. The petitioner claiming to be the owner of the vehicle viz., Tipper Lorry bearing Registration No.TN-20-BE-6557 seeks return of the lorry and has filed a petition before the learned Judicial Magistrate No.II, Kancheepuram, under Section 451 of Cr.P.C. and the said petition was dismissed by the learned Judicial Magistrate No.II, Kancheepuram, alleging that the owner of the vehicle is also involved in this case and he is absconding accused and hence, the interim custody of the vehicle cannot be handed over to the absconding accused and rejected the petition. As against the said dismissal order, the revision petitioner has preferred the above criminal revision case before this Court.

3. Learned counsel appearing for the petitioner submitted that the revision petitioner, who is the owner of the vehicle, has filed a petition in Crl.O.P.No.15931 of 2018 before this Court and by an order dated 22.06.2018, anticipatory bail was granted in respect of the case in Crime No.83 of 2018.

4. Learned Government Advocate (Crl.Side) has stated that the petitioner was granted anticipatory bail and the bail conditions have been complied with by the petitioner.

5. On a perusal of records, it is seen that the learned counsel appearing for the petitioner has filed the copy of R.C. Book along with the typed set of papers showing that the property was originally purchased by one Vinuprasanth and the same was registered on 25.03.2011 and the transfer of ownership of the vehicle bearing Registration No.TN-20-BE-6557 was effected by the concerned R.T.O., Maduranthagam on 20.04.2018. However, the Crime number of this case is 83/2018 for the offence committed on 06.04.2008 and thus, I find that only after registration of the case, the property has been transferred and this Court is unable to understand as to how the vehicle, which is in the custody of the police, is said to have been produced before the RTO for effecting the interim transfer. Be that as it may, since on the date of commission of the offence, the petitioner herein is not the owner of the property, I am not inclined to grant interim custody of the vehicle to the petitioner.

6. In this view of the matter, this Criminal Revision Case is liable to be dismissed and accordingly, the same is dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Jr1

To

1. The Judicial Magistrate No.II,
Kancheepuram.
2. Thro-The Chief Judicial Magistrate, Chengalpattu

3. The Inspector of Police,
Magaral Police Station,
Kancheepuram District.

4. The Public Prosecutor,
High Court, Madras.

+lcc to M/s.G.Punniyakoti, Advocate SR.NO.58700

MP (CO)
sm:24.9.2018

Cr1.R.C.No.856 of 2018



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