

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 28.03.2018

Pronounced on : 10.10.2018

CORAM:

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Crl.R.C.No.330 of 2018

Mannar		.. Petitioner
	Vs.	
The State, Rep. by Inspector of Police, M6, Manali Police Station, In Cr.No.1165/2016.		.. Respondent

Criminal Revision filed under Section 397 and 401 Cr.P.C. to call for the records in C.M.P.No.1987 of 2017 dated 27.10.2017 on the file of the learned Judicial Magistrate, Thiruvottiyur in Crime No.1165 of 2016 on the file of the respondent and to set aside the same, consequently direct the respondent to return of Lorry bearing No.TMT-1535 to the petitioner.

For Petitioner :	M/s.T.Dharani
For Respondent :	Mr.R.Suriyaprakash, Government Advocate [Crl.side]

O R D E R

Petitioner challenges the order of learned Judicial Magistrate, Thiruvottiyur, Chennai, passed in C.M.P.No.1987 of 2017 on 27.10.2017.

2. Respondent has seized a Heavy Goods Vehicle (Lorry) bearing registration No.TMT-1535, belonging to petitioner in connection with the case registered in Crime No.1165 of 2016 on its file for offence under Section 379 of IPC. Petitioner has moved C.M.P.No.1987 of 2017 before learned Judicial Magistrate, Thiruvottiyur, Chennai, seeking return of vehicle. Such petition came to be dismissed under orders of the Court below dated 27.10.2017. Hence, this revision.

3. I heard M/s.T.Dharani, learned counsel for petitioner and Mr.R.Suriyaprakash, learned Government Advocate [Criminal Side] for the respondent and also perused the entire materials available on record.

4. 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 Heavy Goods Vehicle (Lorry) bearing registration No.TMT-1535, shall be placed in the custody of the petitioner after complying with the following:

i)The Court below 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.

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

The Criminal Revision is disposed of with the above direction.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

vs

To

1.The Judicial Magistrate,
Thiruvottiyur.

2.The Inspector of Police,
M6, Manali Police Station, Chennai.

3.The Public Prosecutor,
High Court, Chennai.

+1 cc to M/s.T.Dharani, Advocate Sr.No.70072

order made in
Crl.R.C.No.330 of 2018

CSL/29.11.2018