

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

Crl.R.C.No.1249 of 2018

Tamil Nadu State Transport
Corporation Limited, Madurai
Rep by its Assistant Manager
K.Thirugnanasambantham.

... Petitioner

Vs.

State Rep. by the Inspector of Police,
Tirupur South Police Station,
(Cr.No.837 of 2008).

... Respondent

PRAYER : The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure against the order passed by the learned Judicial Magistrate-II, Tirupur in C.M.P.No.306 of 2017 in Crime No.837 of 2008 dated 09.03.2017.

For Petitioner : Mr.D.Venkatachalam

For Respondent : Mr.G.Harihara Arun Somashankar
Government Advocate (Crl.Side)

सत्यमेव जयते
O R D E R

The present revision case has been filed against the order passed by the learned Judicial Magistrate-II, Tirupur in C.M.P.No.306 of 2017 in Crime No.837 of 2008 dated 09.03.2017 rejecting the request of the petitioner for returning of the original R.C.Book for the bus which was originally seized in respect of Crime No.837 of 2008.

2. The learned Judicial Magistrate-II, has given a detailed reasoning as found in paragraph Nos.4 and 5, which are extracted hereunder:-

"4. Admittedly, the said bus is the case property of this case and it will be marked as exhibit during the trial of this sessions offence. The final report in this case is yet to be filed by the Police. If the said bus is allowed to be scraped at this stage, the evidence emanating from the said bus which is the case property will be lost. Moreover, at the time of obtaining the interim custody of said but, the petitioner has executed the undertaking bond to produce the said bus as and when directed by this Court for the purpose of trial. While so, now the petitioner is claiming the return of the original R.C.Book to scrap the said bus is against the said undertaking given by the petitioner in C.M.P.No.816/2009.

5. In view of above discussions, this application seeking the return of original R.C.Book for the purpose of scraping the said bus is devoid of merits and accordingly, this application is dismissed."

3. From the above, it is clear that on behalf of the petitioner, already a bond was executed to produce the bus as and when required for the purpose of the trial. That being the case, it is not open for the petitioner seeking to return the R.C.Book for the purpose of scrapping the said bus. If the petition filed for return of the property under Section 451 of I.P.C., is to be allowed, the crucial evidence will be completely destroyed and it will certainly hamper the trial of the case before the learned Judicial Magistrate-II, Tirupur. Therefore, the learned Judicial Magistrate-II has rightly dismissed the petition for return of the property.

4. For the above said reasons, this Court finds no infirmity in the order passed by the learned Judicial Magistrate-II, Tirupur. Therefore, the present criminal revision case is devoid of merits and substance and the same is dismissed.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

gsk

To

1.The Judicial Magistrate-II,
Tirupur.

2.The Inspector of Police,
Tirupur South Police Station,
Tirupur.

3. The Public Prosecutor, High Court, Madras-104

+1cc to Mr.D.Venkatachalam, Advocate SR.No.80281

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CNR (CO)

GMV (28/12/2018)



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