



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C. (MD) No.64 of 2018

Solairaj : Petitioner / Accused / Owner
of property

-Vs.-

State represented by
The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
(Crime No.186 of 2017)

: Respondent / Respondent

Prayer: Criminal Revision Case is filed under Sections 397(1) and 401 Cr.P.C., to call for the records in Cr.M.P.No.5961 of 2017 on the file of the learned Judicial Magistrate, Aruppukkottai, (FAC), Virudhunagar District and Set aside the order dated 28.12.2017 and consequently, hand over the custody of vehicle viz., TATA SUMO Car bearing Registration No.TN 67 J 8700 which has been seized by the respondent herein in Crime No.186 of 2017.

For Petitioner : Mr.R.Ilayaraja
For Respondent : Mrs.S.Bharathi
Government Advocate (Crl. Side)

O R D E R

The District Collector, Ramanathapuram, had issued certain directions to be adhered to by the participants in Immanuvel Sekaranar Guru Pooja on 11.09.2017, under which, the participants should not go to the venue in vehicles bearing party flags and that passengers, who travel inside the vehicles, should not hang themselves out.

2. It was found that a Tata Sumo car bearing Registration No.TN-67J-8700 carrying party men precariously hanging out with party flag was proceeding to the venue and therefore, the Sub-Inspector of Police, Narikudi Police Station, Narikudi, registered a *suo-motu* FIR in Crime No.186 of 2017 on 18.09.2017 under Sections 279, 143, 188, 353 IPC and Section 179 of the Motor Vehicles Act, 1988. The car has been seized on 09.11.2017. The petitioner filed Cr.M.P.No.5961 of 2017 under Section 451 Cr.P.C. for interim custody of the vehicle, which has been dismissed by the learned Judicial Magistrate, Aruppukkottai on 28.12.2017, aggrieved by which, the



petitioner is before this Court.

3. Heard Mr.R.Ilayaraja, learned counsel appearing for the petitioner and Mrs.S.Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent. Mr.S.Veeran, Special Sub-Inspector of Police, Narikudi Police Station, Narikudi, Virudhunagar District, is also present before this Court.

4. The trial Court has dismissed the petition on the ground that there is every likelihood of the petitioner absconding during trial. When this Court posed a question to the learned counsel appearing for the petitioner as to where the petitioner would deposit the original RC Book, the learned counsel stated that the original RC book is with Sri Ram Finance Limited.

5. In a case of this nature, where the vehicle forms the subject matter of the offence, the same cannot be returned like in any other case without ensuring that the vehicle will be produced during trial and that it will not be alienated. When the RC book is not available with the petitioner, giving custody of the vehicle may frustrate the criminal prosecution in Crime No.186 of 2017. In such view of the matter, this Criminal Revision Case is closed with liberty to the petitioner to file a fresh application before the learned Judicial Magistrate, Aruppukottai, after impleading the financier concerned, so that, the trial Court can pass a considered order with regard to the disposal of the property.

Sd/

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.

2.The Judicial Magistrate, Aruppukkottai, (FAC),
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Ilayaraja, Advocate, SR.No.56340

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