



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C.(MD)No.388 of 2017

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Thathuvam

: Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Thallakulam Police Station,
Madurai District.
(Crime No.367 of 2017)

2.The Manager,
IndusInd Bank,
IndusInd Bank Limited,
No.89, G.N.Chetty Road,
T.Nagar,
Chennai-600 017.

: Respondents

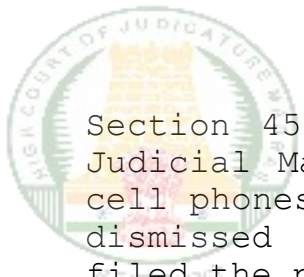
(R2 impleaded as per order of this Hon'ble Court made in Crl.MP.
(MD).No.4858/17 in Crl.Rc.(MD).No.388/17 dated 12.06.2017 by AMBAJ)

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to set aside the order dated 27.03.2017 made in Crl.M.P.No.943 of 2017 on the file of the learned Judicial Magistrate No.II, Madurai and allow the revision.

For Petitioner : Mr.M.Shakul Hameed
For Respondent No.1 : Mr.G.Ramakrishnan,
Additional Public Prosecutor

ORDER

The first respondent police registered a case in Crime No.367 of 2017 on 09.03.2017 under Sections 3(2)(a), 4(2)(c), 5(1)(a) and 7(1)(a) of the Immoral Traffic (Prevention) Act, 1956 against Ravi and seven others. In the said First Information Report, this petitioner-Thathuvam has been arrayed as Accused No.8. It is the case of the prosecution that on secret information, the police raided a house in Door No.25, Mubarak Mansil Compound, Second Street, Sekilar Veethi, B.B.Kulam, Madurai and found that sex work was going on in the said house and that the accused named in the First Information Report were involved in the offence. It is the specific case of the prosecution that the petitioner herein was a customer and that he had parked his motorcycle bearing Registration No.TN-64-L-4080 in the compound of the house resulting in the seizure of the said motorcycle along with two cell phones and cash of RS.840/-. The petitioner was arrested and has been released on bail. While so, the petitioner filed Crl.M.P.No.943 of 2017 under



Section 451 of the Code of Criminal Procedure before the learned Judicial Magistrate No.II, Madurai, for return of the vehicle, two cell phones and cash belonging to him and the said petition has been dismissed on 27.03.2017, aggrieved by which, the petitioner has filed the present revision.

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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

3. Mr.Thiyaga Priyan, Sub-Inspector of Police, D1 Tallakulam Police Station, Madurai is present in Court today. On instructions, the learned Additional Public Prosecutor submitted that the investigation in Crime No.367 of 2017 has been completed and charge sheet has been filed in C.C.No.5 of 2018 before the learned Judicial Magistrate No.II, Madurai, in which, this petitioner has been shown as Accused No.8. The learned Additional Public Prosecutor further submitted that summons have not been served to the accused.

4. On a reading of the impugned order, it is seen that the petitioner had not filed any material to show that he was the owner of the motorcycle bearing Registration No.TN-64-L-4080. However, the learned counsel for the petitioner submitted that RC book has now been obtained and he is ready to produce the same before the Trial Court.

5. In the opinion of this Court, it will not serve the interest of justice, if the motorcycle is kept idle either in the Police Station compound or in the Court compound and it will serve the interest of justice, if the same is returned to the petitioner on him producing satisfactory materials to show that he is the owner. In such view of the matter, liberty is given to the petitioner to file a fresh application under Section 451 of the Code of Criminal Procedure before the learned Judicial Magistrate No.II, Madurai, in C.C.No.5 of 2018 and on such application being filed, the same may be considered on merits.

6. With the above observation, this Criminal Revision Case is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II,
Madurai.

2.The Inspector of Police,
Tallakulam Police Station,
Madurai District.



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

+1cc to M/S.M.Shakul Hameed, Advocate SR.No. 53197

Order made in
Crl.R.C. (MD) No.388 of 2017
Dated:-
02.03.2018

SML
JM/SV MMS/SAR 4/19.03.2018/3P/5C