



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.RC. (MD)No.866 of 2017

M.Jeyakumar

... Petitioner

vs.

1. The Inspector of Police,
Town West Police Station,
Dindigul.

2. Vijay

3. The Inspector of Police,
Thiruverumbur Police Station,
Trichy District.

... Respondents

[R2 impleaded vide order dated 08.12.2017]

[R3 suo-motu impleaded vide order dated 02.01.2018]

PRAYER: Petition filed under Section 397 r/w Section 401 of the Criminal Procedure Code praying to set aside the order dated 04.10.2017 passed by the Judicial Magistrate No.I, Dindigul in Cr.M.P.No.4635 of 2017 and direct the respondent Police to return the vehicle two wheeler Hero Honda Splender Plus bearing No.TN-45-AP-6557.

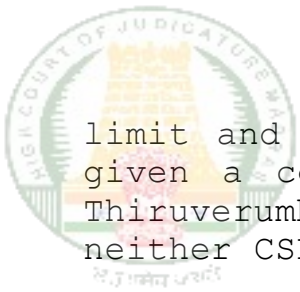
For Petitioner : Mr.P.Sesubalan Raja

For Respondents : Mr.M.Asokan,
Government Advocate for R.1 & R.3
No appearance for R.2

ORDER

M.Jeyakumar is the petitioner herein. He is an ordinary resident of Trichy and lives within the jurisdiction of Thiruverumbur Police limit. He owned a Hero Honda Splender Plus Motorcycle bearing Registration No.TN-45-AP-6557 and according to Jeyakumar, he had given his motorcycle to his nephew Manickam.

2. It is the case of Jeyakumar that on 22.03.2017, Manickam had left the motorcycle near his shop, within Thiruverumbur Police



limit and the vehicle went missing. In this regard, Manickam had given a complaint dated 22.03.2017 to the Inspector of Police, Thiruverumbur Police Station. Though the complaint was given, neither CSR was given nor First Information Report was registered.

3. While so, on 26.05.2017, a chain snatching incident took place within Dindigul Town West Police limit, in which, one Vijay attempted to snatch the chain of one Backiyalakshmi. When Backiyalakshmi resisted and raised alarm, people gathered and Vijay abandoned the motorcycle and escaped. The motorcycle has the registration No.TN-45-AP-6557.

4. Based on the registration number, the Dindigul Police traced Jeyakumar and since they were convinced that Jeyakumar was not in league with Vijay in the chain snatching offence, no action was taken against Jeyakumar. On getting information from Dindigul Police about the recovery of the vehicle, Thiruverumbur Police registered a case in Crime No.489 of 2017, on the earlier complaint given by Manickam, under Section 379 of the Indian Penal Code, against unknown accused in connection with the loss of Motorcycle. Subsequently, Vijay was arrested by the Dindigul Police and in his confession statement, he has stated that he had procured the vehicle from one Nizham of Trichy.

5. Under such circumstances, Jeyakumar filed an application in Cr.M.P.No.4635 of 2017, before the learned Judicial Magistrate No.1, Dindigul, for a direction to Dindigul Police to produce the vehicle bearing Registration No.TN-45-AP-6557 before the Court and for return of property. This petition has been dismissed by the learned Judicial Magistrate No.1, Dindigul on 04.10.2017, aggrieved by which, Jeyakumar is before this Court.

6. On the directions of this Court, Mr.R.Mathan, Inspector of Police, Thiruverumbur Police Station and Mr.V.Subramanian, Sub-Inspector of Police, Dindigul West Town Police Station are present with the case diaries.

7. This Court perused both the case diaries.

8. The fact remains that there are *prima facie* materials to show that the vehicle bearing registration No.TN-45-AP-6557 belongs to Jeyakumar (petitioner herein) and that he had handed over the same to his nephew, Manickam. On the complaint of Manickam, Thiruverumbur Police have registered a case in Crime No.489 of 2017. However, the vehicle is in the custody of Dindigul West Town Police, in connection with the Crime No.96 of 2017.

9. The vehicle has not been produced either before the learned Judicial Magistrate No.1, Dindigul or before the learned Judicial Magistrate No.6, Trichy.



10. In such view of the matter, this Court directs the Inspector of Police, Dindigul Police Station to take photographs of the vehicle and submit a report to the learned Judicial Magistrate No.1, Dindigul and hand over the vehicle to the Inspector of Police, Thiruverumbur Police Station, who shall take custody of the vehicle and produce the same before the learned Judicial Magistrate No.6, Trichy.

11. Liberty is given to the petitioner to approach the learned Judicial Magistrate No.6, Trichy and take interim custody of the said vehicle. The Dindigul Police shall hand over the vehicle to the Thiruverumbur Police within a period of one week from the date of receipt of a copy of this order. Thereafter, the Thiruverumbur Police shall produce the vehicle before the learned Judicial Magistrate No.6, Trichy, within a further period of one week.

12. With the above directions, this Criminal Revision stands disposed of.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.1, Dindigul.
2. The Chief Judicial Magistrate, Dindigul.
3. The Judicial Magistrate No.6, Trichy.
4. The Chief Judicial Magistrate, Trichy.
5. The Inspector of Police,
Thiruverumbur Police Station,
Trichy.
6. The Inspector of Police,
Dindigul Police Station,
Dindigul.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai-23.

+ 1 cc TO Mr.P.Sesubalan Raja , Advocate in SR No. 40909

gk

AE/SKN RSK/SAR3/10.01.2018/3P/9C