



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27.06.2018

Coram

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD) No. 331 of 2018

WEB COPY

Suresh

.. Revision Petitioner/Petitioner/
Accused No.6

vs.

State represented by
The Sub Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai.

(In Crime No.869 of 2017)

.. Respondent/Respondent/
Complainant

Prayer: Revision under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order made in Crl.M.P.No.1237 of 2018 dated 25.05.2018 by the Judicial Magistrate Court, Thirumangalam and set aside the order.

For petitioner : Mr.S.Prabhu
For respondent : Mr.K.Suyambulinga Bharathi
Government Advocate

ORDER

The petitioner has come forward with this revision against the order passed by the Judicial Magistrate, Thirumangalam in Crl.M.P.No.1237 of 2018 dated 25.05.2018.

2.On 15.12.2017, police seized a vehicle bearing Registration No.TN-88-Y-4315 and registered a case in Crime No.869 of 2017, under Section 379 I.P.C. r/w.4(1)(a) and 21(1) 38 C (1)(b) 38(1)(a) 38(c) (1)(b) 38(C) (2) (a) MMDR Act. The vehicle produced before the Court. The petitioner filed a petition for retuning of the property and the same was dismissed by the Judicial Magistrate, Thirumangalam.

3.On the side of the petitioner, it is stated that five lorries are seized by the police on the same day and out of five lorries, except the lorry that belongs to the petitioner the others were all released. The lower Court failed to give any reason for dismissing the petition. In an one line order, the lower court has dismissed the above petition without assigning any reason.

4.On the side of the respondent, it is stated that five lorries are seized by the police on the same day and it is fairly admitted that the petitioner has no previous case.



5. Records Perused.

6. On the side of the petitioner, original R.C. book and other documents are produced before this Court for perusal and Xerox copies are filed. If the Lorry is in the custody of the police, the value of the vehicle will be deteriorated, since the vehicle was parked in the open place of the police station subjected to sunlight and raining and heavy loss may be caused to the petitioner.

7. In the above circumstances, this Court is of the view that it is fit to return the property for safe custody till the disposal of the case and hence, the impugned order passed by the learned Judicial Magistrate, Thirumangalam, dated 25.05.2018 passed in CrI.M.P.No.1237 of 2018 is to be set aside. Accordingly, the same is set aside and the learned Judicial Magistrate is directed to return the vehicle namely Lorry bearing Registration No.TN-88-Y-4315 to the petitioner under the following conditions:

(a) The petitioner shall execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only), before the learned Judicial Magistrate, Thirumangalam; and

(b) The Petitioner shall surrender the R.C.Book and the Learned Judicial Magistrate, Tirumangalam is at liberty to return the R.C.Book, in case of renewal, if any for the purpose of registration or for insuring the vehicle

(c) the petitioner shall not alter or encumber or alienate the vehicle in any manner;

(d) the petitioner shall give an undertaking that he shall produce the vehicle as and when required by the respondent police; and

(e) the petitioner shall produce the vehicle before the trial Court on the dates required by the prosecution.

(f) the petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future.

8. Accordingly, the Criminal Revision is allowed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



To

1. The Judicial Magistrate,
Thirumangalam.

2. The Chief Judicial Magistrate ,
Madurai.

3. The Sub Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam,
Madurai District.

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

+1CC to Mr.S.Prabhu Advocate in SR.No.70279.

LS

DS/VR/SAR-2 : 02.07.2018: 3P/5C

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