



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2018

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE R.THARANI

Crl.R.C.(MD)No.351 of 2018

C.Loganathan

... Petitioner

Vs.

The State of Tamilnadu rep. through its
Sub-Inspector of Police,
Kadupatti Police Station,
Madurai District.
(Crime No.25 of 2018)

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records and to set aside the impugned order passed in Crl.M.P.No.1494 of 2018 dated 25.05.2018 on the file of the Judicial Magistrate Court, Vadipatti.

For Petitioner

: Mr.K.Suresh

For Respondent

: Mr.M.Chandrasekaran

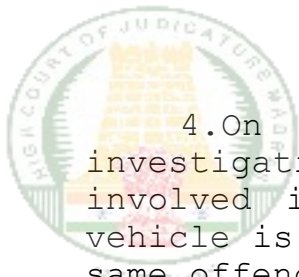
Additional Public Prosecutor

ORDER

This Criminal Revision Petition has been filed to set aside the order passed in Crl.M.P.No.1494 of 2018 dated 25.05.2018 by the Judicial Magistrate Court, Vadipatti.

2.On 26.02.2018, police seized a vehicle bearing Registration No.TN-63-E-9496 and registered a case in Crime No.25 of 2018 under Sections 379, 430 & 553 IPC and the same was produced before the Court. The petitioner, who is the owner of the seized vehicle, filed a petition for return of the such property and the same was dismissed by the Judicial Magistrate Court, Vadipatti.

3.On the side of the petitioner it is submitted that the petitioner is the owner of the vehicle and he has no knowledge about the alleged occurrence. It is also submitted that the vehicle is used for transporting sand for agriculture purpose and the vehicle was seized by the Police and the petitioner, as the owner of the vehicle, the petitioner was roped into this case. Therefore, he prayed for return of the vehicle.



4. On the side of the respondent it is submitted that investigation is in the preliminary stage and the vehicle was involved in the offence. It is further submitted that if the vehicle is returned, it will be again used for the commission of the same offence.

5. There is no dispute regarding the ownership of the vehicle. The learned counsel for the petitioner further submitted that if the tractor is in the custody of the police, the value of the vehicle will be deteriorated, since the vehicle was parked in an open place of the police station subjected to sunlight and raining, heavy loss may be caused to the petitioner.

6. In the above circumstances, this Court is of the view that it is a fit case to return the property for safe custody till the disposal of the case and hence, the impugned order passed by the learned Judicial Magistrate Court, Vadipatti, dated 25.05.2018 passed in CrI.M.P.No.1494 of 2018 is to be set aside. Accordingly, the learned Judicial Magistrate Court, Vadipatti is directed to return the vehicle namely tractor bearing Registration No. TN-63-E-9496 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 Court, Vadipatti;

(b) The petitioner shall surrender the R.C.Book and the learned Judicial Magistrate Court, Vadipatti is at liberty to temporary return of the R.C.Book, in case of renewal, if any, or for insuring the vehicle; and to get the same back with a prescribed time limit.

(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;

(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.

7. Accordingly, this Criminal Revision Petition is allowed.

Sd/-
Assistant Registrar (P&A)

/True Copy/



To

1. The Judicial Magistrate,
Vadipatti
2. The Sub-Inspector of Police,
Kadupatti Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:-

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

GNS

TE/RP/SAR-3 : 16/07/2018 : 3P/6C

Cr1.R.C. (MD) No.351 of 2018
29.06.2018