



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2018

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.R.C(MD)No.433 of 2018

WEB COPY

Shanmuganathan

: Petitioner

Vs.

1.The State through
The Inspector of Police,
Thattarmadam Police Station,
Thattarmadam, Tuticorin District.
[Crime No.30 of 2015].

2.A.Masanam

[Second respondent is impleaded as per
order, dated 02.08.2018 made in
Crl.M.P(MD)No.6229 of 2018]

: Respondents

PRAYER: Criminal Revision Case is filed under Section 397 read with Section 401 of the Code of Criminal Procedure, praying to call for the records pertaining to the order of the learned Judicial Magistrate, Sathankulam, dated 16.11.2017, made in Cr.M.P.No.8964 of 2017 in C.C.No.197 of 2015 and set aside the same as illegal and allow this revision.

For Petitioner

: Mr.T.Vadivelan

For Respondent

: Mr.K.K.Ramakrishnan,
Additional Public Prosecutor.

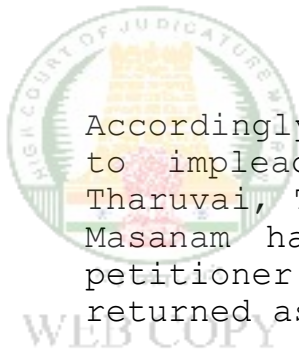
ORDER

This Criminal Revision Case is filed praying to set aside the order dated 16.11.2017 made in Crl.M.P.No.8964 of 2017 in C.C.No.197 of 2015 on the file of the learned Judicial Magistrate, Sathankulam.

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

3.The revision petitioner herein, alleging that he is the owner of the offending vehicle bearing Registration TN-07-E-9129, has sought for return of vehicle before the Trial Court. The Trial Court has dismissed the petition on the ground that the vehicle does not stand in the name of the petitioner and if the vehicle is returned to him, there is every possibility of alienating the physical features of the vehicle. Aggrieved by that, the present revision petition is filed.

4.When the matter came up for admission, this Court has found that the person, whose name mentioned in the R.C. Book, is not made as a party and therefore, it is necessary to implead him.



Accordingly, the petitioner herein has also taken out an application to implead one Masanam, 7/58, Utchi Mahaliamman Kovil Street, Tharuvai, Tirunelveli District and the same was allowed and the said Masanam has been impleaded as second respondent. The revision petitioner has also taken out private notice and the same has been returned as 'not known'.

5. This vehicle has been involved in the theft of goats and based on the complaint given by one Muruganantham on 06.02.2015, the vehicle has been recovered from Chithirakumar and Saravanan, who are accused in Crime No.30 of 2015 on the file of first respondent police. After three years, the petitioner has taken out that application for return of the said vehicle, alleging that he is the owner of the vehicle. Though, he claims he had obtained transfer of ownership from the erstwhile owner Masanam, without date and address, the transfer of ownership form indicates that except the signature as Masanam, his address or the engine chassis number are not mentioned in the transfer of ownership. Under the said circumstances, I do not find any error in the order passed by the Trial Court that without ascertaining the ownership, vehicle cannot be returned to third parties. If the petitioner herein has purchased the property from the last owner of the vehicle, as found in the R.C. Book, he can file a petition through him or file a petition for return of vehicle along with affidavit from Masanam and approach the Court below and if such petition is filed, the Trial Court shall look into the merits of the application and pass appropriate orders.

6. With the above observations, this Criminal Revision Case is disposed of.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Judicial Magistrate,
Sathankulam.

2. The Inspector of Police,
Thattarmadam Police Station,
Thattarmadam, Tuticorin District.

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

+1cc TO MR.T.VADIVELAN, ADVOCATE IN SR.NO.78401.

SMN

DS RSK SAR-3;07.09.2018; 2P/5C

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ORDER MADE IN
Cr1.R.C (MD) No.433 of 2018
13.08.2018