



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cr1.R.C (MD) No.508 of 2018

and

Cr1.M.P (MD) No.6978 of 2018

C.Shanmugavel

... Petitioner

Vs.

1. Eswari

2. The State rep. by
The Sub Inspector of Police
Kundrakudi Police Station
Sivagangai District
(Crime No. 202 of 2017)

...Respondents

PRAYER: Revision filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records from the lower court and to set aside the order passed in Cr.M.P.No.1108 of 2018 dated 11.07.2018 in Cr.M.P.No.3674 of 2017 dated 07.11.2017 on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District in Crime No. 202 of 2017 on the file of the second respondent police by allowing this Revision.

For Petitioner : Mr.S.Sadeskumar
For Respondent : Mr.A.Robinson,
No.2 Government Advocate (Cr1.side).

ORDER

This Criminal Revision case has been filed against the order dated 11.07.2018 passed in Cr.M.P.No.1108 of 2018 on the file of the learned Judicial Magistrate, Karaikudi, Sivagangai District.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Cr1.Side) appearing for the second respondent.

3. Earlier application was filed under Section 457 Cr.P.c for return of vehicle by this petitioner. Interim custody was granted by the District Trial Court, based on the consent affidavit filed by the first respondent/ wife Eswari W/o. Nachiappan. Now it appears that Eswari has withdrawn her consent and sought for



custody of the vehicle for herself.

4. The trial court has accepted the plea and directed the petitioner herein to hand over the vehicle to the first respondent. The vehicle which is now the subject property of the revision petition is case property involved in murder of Nachiappan. Since Eswari, wife of Nachiappan has earlier given consent to return of the vehicle, the trial court has allowed the interim custody of the vehicle on condition. It appears that there is some dispute between Eswari, W/o. Nachiappan and the petitioner herein who is the brother of Nachiappan.

5. Under such Circumstances, this Court is of the view that there is dispute regarding the ownership of the vehicle. It is suffice to direct the petitioner herein to handover the vehicle to the Court below and Court shall keep the vehicle in its custody till the disposal of criminal case.

6. Accordingly, this Criminal Revision case is dismissed. Consequently connected miscellaneous petition is closed.

Sd/

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar (CS-I)

To

1. The Judicial Magistrate,
Karaikudi, Sivagangai District.

2. Do Through
The Chief Judicial Magistrate, Sivagangai.

3. The Sub Inspector of Police
Kundrakudi Police Station
Sivagangai District

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

+1cc to Mr. S. SADES KUMAR, Advocate, SR.No.82064

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03.09.2018

AAV