

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.R.C.No.217 of 2019

S.Uma

...Petitioner

-Vs-

State by The Inspector of Police,
Singarapettai Police Station,
Uthangarai Taluk,
Krishnagiri District.
(Cr.No.317/2018)

...Respondent

This Criminal Revision Petition is filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order in Cr.M.No.1414 of 2018 passed by the learned Judicial Magistrate, Uthangarai and to release the vehicle in Crime No.267 of 2018.

For Petitioner : Mr.K.Thiruvengadam

For Petitioner : Mr.R.Suryaprakash,
Govt.Advocate(Criminal Side)

O R D E R

In the present revision case, the learned Judicial Magistrate, Uthangarai, has rejected the petition filed under Section 451 of Cr.P.C. for return of vehicle on the ground that the Division Bench of this Court in its order dated 29.10.2018 in a batch of writ petitions has directed inter alia that such petitions for return of vehicle need to be filed before the Special Courts.

2 According to the learned counsel appearing for the petitioner, the Special Courts have not been constituted as yet and this petitioner is left without any remedy. Further the petitioner is the owner of the vehicle and she was not aware that her vehicle was used for illegal transportation of mines and minerals. Therefore she prayed to set aside the order dated 05.12.2018 made by the learned Judicial Magistrate, Uthangarai, and to release the vehicle.

3 The learned Government Advocate (Cr1.Side) appearing for the respondent police would submit that investigation has not yet completed and charge sheet has also not filed and hence the vehicle in question cannot be released at this stage.

4 Heard the learned counsel appearing on either side and perused the materials available on record.

5 It is seen that in the present case, investigation is pending and charge sheet not yet filed. Under these circumstances, if the vehicle is released, there would be a possibility for changing the Engine and Chassis Numbers, which would defeat the entire case of the prosecution. Hence this Court is not inclined to entertain the present criminal revision case. However, it is always open to the petitioner to avail her remedy before appropriate forum, after filing of charge sheet by the respondent police, if she deserves. The respondent police is directed to expedite the investigation and file a charge sheet within a reasonable period of time.

6 With the above observations, this criminal revision case is dismissed.

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Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Uthangarai.
2. -Do - Thro' The Chief Judicial Magistrate,
Krishnagiri Dist.
3. The Inspector of Police,
Singarapettai Police Station,
Uthangarai Taluk, Krishnagiri Dist.
4. The Public Prosecutor,
High Court, Madras.

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Kak(12/03/2019)