

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.238 of 2019

Gangadurai

...Petitioner

-Vs-

State by,

The Inspector of Police,  
Thiruvannamalai Taluk Police Station,  
Thiruvannamalai District.  
(Cr.No.1338/2018)

....Respondent

This Criminal Revision Case is filed under Sections 397 read with Section 401 of Cr.P.C. to set aside the order passed in Crl.M.P.No.164 of 2019 dated 22.01.2019 on the file of the Judicial Magistrate No.II, Thiruvannamalai and further direct the respondents to return the petitioner's vehicle TATA 407 Tipper Lorry bearing Registration No.TN 25 BJ 3255 seized in Crime No.1338 of 2018 on the file of the respondent police.

For Petitioner : Mr.S.Silambu Selvan

For Respondent : Mr.R.Surya Prakash,  
Government Advocate (Crl.Side)

O R D E R

In the present revision case, the learned Judicial Magistrate No.II, Thiruvannamalai, has rejected the petition filed under Section 457 r/w 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 and also the petitioner had not produced a valid document to show the ownership.

2 According to the learned counsel appearing for the petitioner, the petitioner is the owner of the vehicle. The learned Magistrate, without considering the same had dismissed the petition filed by the petitioner. Hence the petitioner prayed to set aside the order dated 05.12.2018 made by the learned Judicial Magistrate, and to release the vehicle.

3 The learned Government Advocate (Crl.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 he 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.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

- 1.The Judicial Magistrate No.II,  
Thiruvannamalai.
- 2.-Do- Thro' The Chief Judicial Magistrate,  
Thiruvannamalai.
- 3.The Inspector of Police,  
Thiruvannamalai Taluk Police Station,  
Thiruvannamalai District.
- 4.The Public Prosecutor,  
Madras.

Copy to

The Section Officer,  
Criminal Section,  
High Court, Madras.

+lcc to Mr.S.Silambuselvan, Advocate Sr.13731

Cr1.R.C.No.238 of 2019

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srg 30/03/2019



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