

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.248 of 2019

Kuzhandhaivelu

.Petitioner/ Petitioner / Accused

-Vs-

State Rep. by

The Inspector of Police,
Thalainayaru Police Station,
Nagapattinam District.
(Crime No.147 of 2018)

...Respondent/ Respondent/Complainant

This Criminal Revision Case is filed under Sections 397 read with Section 401 of Cr.P.C. against the order passed in Crl.M.P.No.20 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate, Vedaranyam dismissing the Crl.M.P.No.20 of 2019 on 07.01.2019 and pray for setting aside the same.

For Petitioner : Mr.K.M.Subramaniam

For Respondent : Mr.R.Ravichandran
Government Advocate (Crl.Side)

O R D E R

This criminal revision has been filed against the order of dismissal dated 07.01.2019 made in Crl.M.P.No.20 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate, Vedaranyam, Nagapattinam District. The said C.M.P was filed for directing the respondent to produce the vehicle seized by the respondent police.

2 The revision petitioner's Bajaj Motor Cycle bearing Registration No.TN-50-M-0677 was seized by the respondent police in Crime No.147 of 2018 for the offence under Sections 4(1) (a) r/w. 4(1-A) of TNP Act on the file of the Thalainayaru Police Station. During the investigation, the petitioner filed a miscellaneous petition in Crl.M.P.No.20 of 2019 under Section 457 of Cr.P.C., on the file of the learned Judicial Magistrate,

Vedaranyam, Nagapattinam District seeking for a direction to the respondent police to produce his vehicle. The learned Magistrate, dismissed the petition by an order dated 07.01.2019, against which, the petitioner has preferred the present criminal revision case.

3 The learned counsel for the petitioner would submit that without giving any valid notice, the respondent police has taken the vehicle and initiated the confiscation proceedings against the petitioner. The said fact has not been considered by the learned Magistrate and had erroneously dismissed the petition, which warrants interference.

4 The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the investigation is not yet completed and charge sheet is also not filed and hence the vehicle was not produced before the learned Magistrate.

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

6 The petitioner has not filed the petition for returning of vehicle. The prayer in that petition is to direct the respondent police to produce the case property before the learned Magistrate. The learned Magistrate has failed to consider the said fact and passed the dismissal order. Under these circumstances, the order passed by the learned District Munsif Cum Judicial Magistrate, Vedaranyam is set aside. The respondent police is directed to produce the case property before the learned Magistrate and thereafter they can proceed with further investigation in accordance with law. The petitioner is not entitled to file a petition before the completion of the investigation.

With the above observations, the Criminal Revision Petition is disposed of at the admission stage itself.

dh

Sd/-/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The District Munsif
Cum Judicial Magistrate,
Vedaranyam, Nagapattinam.

2. The Inspector of Police,
Thalainayaru Police Station,
Nagapattinam District.

3. The Public Prosecutor, High Court ,Madras.

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A.SK(25/03/2019)



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