

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
Crl.R.C.No.261 of 2019

Jaiganesh ... Petitioner/ Petitioner /Claimant
Vs

State by Sub-Inspector of Police
B 5, Walajabad Police Station,
Walajabad ... Respondent/Complainant/Complainant

PRAYER: Criminal Revision Case filed under Article 397 r/w 401 of Criminal Procedure Code, to direct the respondent to return the petitioner's Vehicle bearing registration No. TN-14-Q-5095 to his custody and allow the Criminal Revision Case by setting aside the order passed in C.M.P.No.389 of 2019 in Crime No. 709 of 2018 on the file of the Judicial Magistrate Court No.II, Kancheepuram, dated 12.02.2019.

For Petitioner : Mr.S.yasar Arapath
For Respondent : Mr.R.Ravichandran,
Government Advocate.

O R D E R

The petitioner herein is the owner of the Ashok Leyland Tipper Lorry bearing Registration No.TN-14-Q-5095. The respondent Police has been registered a case against the petitioner in Crime No.709 of 2018, for an alleged offence under Sections 379, 430 and 420 of IPC. So, the above said lorry was seized for the allegation of stolen the minerals by the Police Officers. Thereafter, the petitioner filed a petition under Sections 451 & 457 of Cr.P.C., in C.M.P.No.389 of 2019 before the Judicial Magistrate No-II, Kancheepuram, for discharging the Lorry bearing Registration No.TN-14-Q-5095. The said case was dismissed by the Judicial Magistrate No-II, Kancheepuram. As against the order of dismissal, the petitioner has filed a present revision petition.

2. The learned counsel appearing on behalf of the petitioner would submit that the vehicle kept idle for continuously longer period, the vehicle will get rust and also value of the vehicle will be deteriorated. If the

vehicle is not returned, it will be put into irreparable loss and hardship. Hence, he prays to allow this Revision Case.

3. The learned Government Advocate appearing on behalf of the respondent would submit that admittedly the above said lorry was seized by the respondent Police in Crime No.709 of 2018. But, investigation is not yet completed, charge sheet also not yet filed. Further he submits that if any material objects seized by the police with regard to any offence, it will not be returned to the respective owners without completion of investigation in the concerned case.

4. Considering the above submissions made on either side, there is no merit in this Revision Case. Accordingly, this Criminal Revision is dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sbn/vkr

To

- 1.The Sub-Inspector of Police,
B 5, Walajabad Police Station,
Walajabad.
2. The Judicial Magistrate Court No.II,
Kancheepuram.
3. The Public Prosecutor,
High Court of Madras.

A.SK(22/03/2019)

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