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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.318 of 2019

Manjunath

...Petitioner

Vs.

State: rep. by its
Inspector of Police,
Hogenakkal Police Station,
Hogenakkal.
Crime No.160 of 2018

...Respondent

The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure to set aside the order dated 15.02.2019 in C.M.P.No.46 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Pennagaram in Crime No.160 of 2018 on the file of the Inspector of Police, Hogenakkal Police Station, Hogenakkal and grant an order of interim custody of the vehicle Yamaha Fashion TN 70 W 3607, Chassis No.MEISED 123 H 0032439 and Engine No.E373 E006554.

For Petitioner : Mr.R.Baskar

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

O R D E R

The above Criminal Revision Case has been filed to set aside the order dated 15.02.2019 in C.M.P.No.46 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Pennagaram in Crime No.160 of 2018 on the file of the Inspector of Police, Hogenakkal Police Station, Hogenakkal and grant an order of interim custody of the vehicle Yamaha Fashion TN 70 W 3607, Chassis No.MEISED 123 H 0032439 and Engine No.E373 E006554.

2. The respondent police has registered a case against the revision petitioners and others for the offence under Sections 379, 109 and 302 IPC. Initially, on 29.11.2018, the revision petitioner lodged a complaint before the Hosur Police Station in Crime No.593 of 2018 that his vehicle was stolen. Based on the complaint given by one Govindammal, the respondent police



registered a case in Crime No.16 of 2018 before the Hogenakkal Police Station for offence under sections 109 and 302 IPC. After receiving the complaint, the respondent police came to know that the revision petitioner has involved in the case and the involvement of the vehicle is suspicious. For which the revision petitioner has filed a petition in C.M.P.No.46 of 2019 before the learned learned District Munsif cum Judicial Magistrate, Pennagaram. After hearing both sides, the learned Magistrate dismissed the petition.

3. Challenging the order passed by the learned learned District Munsif cum Judicial Magistrate, Pennagaram, the petitioner has preferred the present revision before this Court.

4. The main contention raised by the learned counsel for the revision petitioner is that due to non usage of the vehicle for a long time, the parts of the vehicle could get rusted and hence, to conserve the vehicle, the petitioner sought for interim custody of the vehicle and he undertakes to produce the vehicle during the trial before the Court. Therefore, the learned counsel prays to set aside the order passed by learned Judicial Magistrate, Pennagaram.

5. The learned Government Advocate (Crl. side) would submit that investigation is at the initial stage and charge sheet has not been filed. The petitioner is the owner of the vehicle and the involvement of the vehicle is suspicious, the custody of the vehicle cannot be granted and the learned Magistrate has rightly dismissed the claim of the petitioner, which does not warrant any interference.

6. Heard the learned counsel appearing for the revision petitioner as well as the learned Government Advocate and perused the materials available on record.

7. Admittedly the case was registered against the revision petitioner and others for the offence under Sections 109 and 302 IPC. In this case, investigation is at the initial stage and charge sheet is yet to be filed. During the pendency of investigation, the petitioner is not entitled to invoke section 451 of Cr.P.C. Considering the allegations levelled in this case, at this stage. If the vehicle is handled over to the petitioner, there is a possibility of tamper with the investigation. Considering the nature of the allegation, this Court finds there is no perversity in the order passed by the trial Court and there is no merit in this revision.



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8. In the result, this Criminal Revision is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1) The District Munsif
cum Judicial Magistrate, Pennagaram.
- 2) - do - through The Chief Judicial Magistrate,
Dharmapuri.
- 3) The Inspector of Police,
Hogenakkal Police Station,
Hogenakkal.
- 4) The Public Prosecutor,
High Court , Madras.

Cr1.R.C.No.318 of 2019

CP(CO)
SSM(27/08/2019)