

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.333 of 2019

Palanivel

... Petitioner /
Owner of the Vehicle

Vs

State rep. by
The Station House Officer,
Gingee Police Station,
Villupuram District.
(Crime No.160 of 2019)

... Respondent / Complainant

PRAYER: Criminal Revision Case filed under Article 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 19.03.2019 made in Crl.M.P.No.608 of 2019 on the file of the Judicial Magistrate, Gingee to return Rig mounted with oil compressor bearing Registration No. KA-05-MC-6699 to the petitioner.

For Petitioner : Mr.V.S.Appaswamee

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

O R D E R

The respondent police had registered a case against some persons in Crime No.160 of 2019 for the offence under Section 302 of IPC, and they are not party in this case. During investigation the respondent police seized the vehicle namely "Rig Mounted with Oil Compressor" bearing registration No.Ka-05-MC-6699 belongs to the revision petitioner. The revision petitioner filed a petition before the learned Judicial Magistrate, Gingee for returning the above said vehicle. After enquiry the learned Judicial Magistrate, Gingee dismissed the said petition. As against the order of dismissal the revision petitioner filed the present Criminal Revision Case before this Court.

2 The learned counsel for the petitioner would submit that the revision petitioner is the owner of the said vehicle bearing registration No.Ka-05-MC-6699 and he is no way connected

with the offence and the vehicle is also not involved in the offence. Further, he would submit that there are more than 10 persons employed in bore well works and the petitioner did not committ this offence. Hence, the learned counsel prays to allow this Criminal Revision Case.

3 The learned Government Advocate (Criminal Side) would submit that the occurance happened on 13.03.2019 and the case is still in preliminary stage and the accused has been absconding and not yet arrested. Therefore, he prays for dismissal of this revision case.

4 Heard, the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent and perused the materials available on records.

5 Considering the facts and circumstances of the case, and also taking note that the investigation is in preliminary stage and not yet completed, during investigation, the petitioner is not entitled to invoke Section 451 of Cr.P.C. Since investigation is pending and charge sheet has not been filed. This Court is not inclined to interfere with the order passed by the learned Judicial Magistrate, Gingee and there is no merit in this revision.

6 Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbn
To

1. The Judicial Magistrate Court ,
Gingee.

2. The Station House Officer,
Gingee Police Station,
Villupuram District.

3. The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.V.R.Appaswamee, Advocate, S.R.No.28976

Cr1.R.C.No.333 of 2019

NMI (CO)
SSM(28/05/2019)