

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.810 of 2019

K.Kalidasan

Petitioner/Accused

Vs.

The Sub-Inspector of Police,
Arni Taluk Police Station,
Thiruvannamalai District.

Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C.,
to set aside the order dated 13.05.2019 passed in
Crl.M.P.No.1692 of 2019 on the file of the Judicial Magistrate,
Arni, Thiruvannamalai District.

For Petitioner : M/s.Karan

For Respondent : Mr.G.Ramar
Government Advocate
(Crl.Side)

O R D E R

This revision petition has been filed seeking to set aside
the order dated 13.05.2019 passed in C.M.P.No.1692 of
2019 on the file of the Judicial Magistrate, Arni,
Thiruvannamalai District.

2. The facts of the case in a nutshell are as under:

2.1 On 27.06.2018, when the complainant was standing in the
bus stop, two persons came by a motorcycle, snatched his mobile
phones and fled. On these allegations, a case in Crime No.426 of
2018 was registered on 27.06.2018 under Sections 392 and 397
IPC.

2.2 During the course of investigation, the police
identified the motorcycle and the accused and filed final report
against them before the Judicial Magistrate, Arani. The case is
now committed to the Court of Session and is now pending trial
in S.C.No.71 of 2019 before the Assistant Subordinate Court,
Arani.

2.3 While so, the petitioner, who is the owner of the motorcycle filed Crl.M.P.No.1692 of 2018 under Section 451 Cr.P.C. before the Judicial Magistrate, Arani, which has been dismissed on 13.05.2019, aggrieved by which, the petitioner is before this Court.

3. Heard Mr.Karan, learned counsel for the petitioner and Mr.G.Ramar, learned Government Advocate (Crl.Side) for the respondent/State.

4. The learned counsel for the petitioner submitted that the petitioner is the father of the accused by name Dinesh Kumar @ Dina and the vehicle is idling in the Police Station and it may be returned to the accused.

5. In *Sunderbhai Ambalal Desai vs. State of Gujarat*¹, the Supreme Court has passed detailed orders, with regard to the return of seized vehicles.

6. In the opinion of this Court, when the case has been committed to the Court of Session, the petitioner should have filed a petition there and not before the Magistrate.

In fine, this criminal revision petition is dismissed with liberty to the petitioner to approach the Assistant Subordinate Court, Arani, where, S.C.No.71 of 2019 is pending and file a petition under Section 451 Cr.P.C.

nsd

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Arni, Thiruvannamalai District.

2. -Do- Thro' The Chief Judicial Magistrate,
Thiruvannamalai District.

3.The Assistant Subordinate Court,
Arani, Thiruvannamalai District.

1(2002) 10 SCC 290

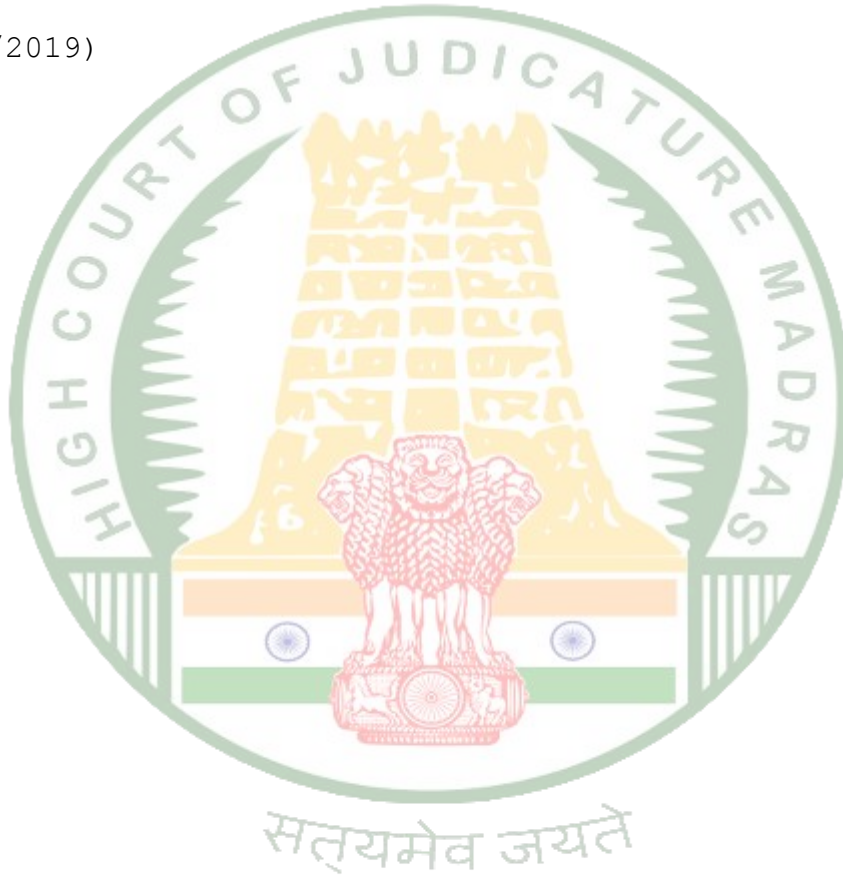
4. -Do- Thro' The Principal District
& Sessions Judge, Thiruvannamalai District.

5. The Sub Inspector of Police,
Arni Taluk Police Station,
Thiruvannamalai Dist.

6. The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.810 of 2019

Kak(30/09/2019)



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