

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 20.09.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.937 of 2019

K.M.Senthil

... Petitioner/Petitioner

Vs

State rep by

The Inspector of Police,
Chettypalayam Police Station,
Coimbatore.

(Cr.No.166/2019)

... Respondent/Complainant

Prayer:- This Petition filed under section 397 and 401 Cr.P.C., to call for the records in CMP.No.6080/2019 in Crime No.166/2019, by the learned Judicial Magistrate No.VII, Coimbatore, to set aside the order dated 27.08.2019, passed therein by the learned Magistrate No.VII, to direct the return of the vehicle Ashok Leyland Dost bearing Registration No.TN66F7593 to the petitioner herein.

For Petitioner : Mr.C.S.Dhanasekaran

For Respondent : Mr.M.Mohamed Riyaz, APP

ORDER

The Criminal Revision has been filed by the petitioner seeking to call for the records in CMP.No.6080/2019 in Crime No.166/2019, by the learned Judicial Magistrate No.VII, Coimbatore, to set aside the order dated 27.08.2019, passed therein by the learned Magistrate No.VII, to direct the return of the vehicle Ashok Leyland Dost bearing Registration No.TN66F7593 to the petitioner.

2 Heard the learned counsel on both sides.

3 The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle of Ashok Leyland Dost bearing Registration No.TN66 F 7593. He would submit that the petitioner is the proprietor of Professional Couriers and Services, having office at Coimbatore and that the vehicle has

been registered the name of the Firm and that the vehicle was entrusted to one of the employees, viz., Prabhu and during the course of employment, the said Prabhu had hit the brother of the complainant with the vehicle resulting in causing injury in respect of that, a case in Cr.No.166/2019, was registered by the respondent for offence under sections 324 and 307 of IPC. He would further submit that during the investigation, the vehicle has been seized and produced before the Court. The investigation is over and now, the vehicle is parked in the open exposed to vagaries of weather and would submit that due to the seizure of vehicle, the petitioner is put to great hardship. He would further submit that the petitioner undertakes to produce the said vehicle as and when required by the court, during the course of trial and would submit that he will not dispose of the vehicle or alter or modify the vehicle.

4 The learned Additional Public Prosecutor would submit that the vehicle was used by the Prabhu/accused, to dash against one Anandhakumar, who is the brother of the complainant, in respect of which, a case was registered by the respondent police. He would further submit that investigation is pending and that the vehicle would be required for production, during the trial.

5 Taking into consideration, the submissions made by the learned counsel on both sides and this Court is of the opinion, that the interim custody of the vehicle may be granted to the petitioner imposing certain conditions.

6 In view of the same, the criminal revision petition is disposed and the order passed by the Trial Court, dated 27.08.2019 made in CrI.M.P.No.6080 of 2019, on the file of the learned Judicial Magistrate No.VII, Coimbatore, is hereby set aside and that the learned Magistrate is directed to return the vehicle, subject to the following conditions:

a. the petitioner shall executed a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties.

b. the petitioner shall file an affidavit of undertaking that he will not dispose or alter the physical features of the vehicle and that he will produce the vehicle before the Trial Court as and when required by the Trial Court for trial.

c. the RC book of the vehicle shall be retained by the Trial Court till the disposal of the trial and until further orders.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To:

1. The Judicial Magistrate No.VII,
Coimbatore.
2. The Chief Judicial Magistrate,
Coimbatore.
3. The Inspector of Police,
Chettypalayam Police Station,
Coimbatore.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.S.Dhanasekaran, Advocate Sr.80989

Cr1.R.C.No.937 of 2019

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srg 25/10/2019

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