

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 24.10.2019

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.1106 of 2019

Jacob Balachandar
Petitioner

..

Vs

State rep by
The Sub Inspector of Police,
Fairlands Police Station,
Salem Town,
(Cr.No.176/2018)

.. Respondent

Prayer:- This Petition filed under section 397 and 401 Cr.P.C., to set aside the order in CMP.No.3890 of 2018 dated 27.08.2018 on the file of the Judicial Magistrate, No.5, Salem and release the vehicle.

For Petitioner : Mr.E.C.Ramesh

For Respondent : Mr.M.Mohamed Riyaz

Additional Public

Prosecutor

ORDER

The Criminal Revision has been filed by the petitioner seeking to set aside the order passed by the learned Judicial Magistrate, Salem in CMP.No.3890 of 2018 dated 27.08.2018.

2. Heard the learned counsel on both sides.

3. The brief facts of the case is that the petitioner is the owner of the Scorpio ZWD Black Colour vehicle bearing Registration No. TN-20 BL-4585. The vehicle has been seized by the respondent police in connection with the Crime No.176 of 2018 registered by the respondent for offence under Section 392 & 379 of IPC altered to 395 r/w 397, 506 (ii) IPC. The petitioner had filed the present petition seeking for return of vehicle. The learned Magistrate found that the very same vehicle was already involved in Crime No.684 of 2017 registered by Paramathy Velur Police Station for similar offence and the vehicle having been returned earlier to the petitioner has been once again used for subsequent similar offence had dismissed the petition against which the present revision petition is filed.

4. The learned counsel for the petitioner would submit that the petitioner was threatened by one Karthick and the vehicle was taken under compulsion by him and without his knowledge the vehicle has been used for commission of offence of robbery and hence the petitioner would claim for return of property.

5. The learned Additional Public Prosecutor vehemently opposed stating that the vehicle was earlier used by the accused in Crime No.684 of 2017 registered by Paramathy Velur Police Station. The vehicle was seized by the respondent and produced before the learned Judicial Magistrate, Paramathy in C.P.No.176 of 2017. On petition being filed the vehicle was ordered to be returned and the petitioner surrendered the original RC Book and the vehicle had been returned to the petitioner. The petitioner had once again handed over the same vehicle to the very same accused Karthick and it has been used and a case in Crime No.176 of 2018 was registered by Fairlands Police Station, Salem for a similar offence. He further submitted that if the vehicle is once again returned, there is possibility for the petitioner and the other accused using it for the commission of offence in contravention with earlier undertaking given by him before the trial Court and the trial Court had rightly dismissed the petition.

6. I have gone through the impugned order. The vehicle has been earlier seized in respect of a case registered for a similar offence and on petition being filed had been returned to the petitioner on condition. Once again the petitioner had handed over the vehicle to the very same accused for commission of very similar offence. I do not find any infirmity in the order passed by the trial Court and the petition stands dismissed. The petitioner is at liberty to work out his remedy after conclusion of trial.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dpq

To:

1. The Judicial Magistrate, No.V, Salem

2. The Sub Inspector of Police, Fairlands Police Station,
Salem Town.

3. The Public Prosecutor, High Court, Madras.

Cr1.R.C.No.1106 of 2019

A.SK(02/12/2019)