

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2019

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Crl.R.C.No.1430 of 2018

K.Udhayakumar

... Petitioner

Vs

State rep. by Sub Inspector of Police,
Mathur Police Station,
Krishnagiri District.

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w 401 of Cr.P.C. seeking to set aside the order dated 13.11.2018 in Crl.M.P.No.4451 of 2018 passed by the learned District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District.

For petitioner : Mr.E.Kannadasan

For Respondent : Mr.G.Harihara Arun Somasankar
Govt.Advocate (Crl.side)

ORDER

The above Criminal Revision Case has been filed against the order dated 13.11.2018 in Crl.M.P.No.4451 of 2018 passed by the learned District Munsif cum Judicial Magistrate, Pochampalli, Krishnagiri District, rejecting the petition filed by the petitioner herein for return of the property under Section 451 Cr.P.C.

2. It is admitted case that the petitioner had purchased the vehicle which is the subject matter, from the person who originally owned the same, had not legally transferred the change of ownership. Since the petitioner herein was not able to establish the ownership of the vehicle, the learned Judicial Magistrate felt that it was not appropriate to order return of the property to him. Therefore, the learned Judicial Magistrate dismissed the petition, stating that there was no scope for entertaining the petition.

3. As against the above order dated 13.11.2018, the present Revision Case has been filed.

4. The learned counsel for the petitioner would submit that the petitioner has all other documents in relation to the subject vehicle, but unfortunately, before the transfer of ownership could be affected, the vehicle was seized by the police. Therefore, he would submit that the Court may consider other documents and order release of the vehicle.

5. This Court is unable to appreciate the arguments advanced on behalf of the petitioner. Unless or until there was a valid transfer of ownership, which ought to be reflected in the documents, is established, the question of return of the vehicle to the petitioner does not arise at all. The learned Judicial Magistrate rightly dismissed the petition since the ownership of the vehicle was not established by the petitioner. No matter whatever the documents he may have, unless the petitioner is able to establish the ownership of the vehicle, he is not entitled to seek for return of the property. In the circumstances, this Court does not find any infirmity in the order passed by the learned Judicial Magistrate to interfere with the same.

6. Accordingly, the Criminal Revision Case is dismissed as devoid of merits.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

suk

To

1. The District Munsif cum Judicial Magistrate,
Pochampalli, Krishnagiri District.
2. The Sub Inspector of Police,
Mathur Police Station, Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.E.Kannadasan, Advocate Sr.No.3732

CRL.REV.CASE NO.1430 OF 2018

NRL(CO)
CSL/15.02.2019