

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1475 of 2018

Mr.A.Sekar

... Petitioner

Vs

State Rep. by

Sub Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam, Vellore District.

(Crime No.273 of 2018)

... Respondent

Prayer:- Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to set aside the order dated 30.10.2018 made in C.M.P.No.2736 of 2018 in Crime No.273 of 2018 on the file of the Judicial Magistrate Court, Arakkonam, Vellore District.

For Petitioner : Mr.M.Mohamed Hasain

For Respondent : Mr.R.Surya Prakash,
Govt. Advocate (Criminal side)

O R D E R

This Criminal Revision Case has been filed by the petitioner under Section 397 r/w 401 Cr.P.C., to set aside the order dated 30.10.2018 made in C.M.P.No.2736 of 2018 in Crime No.273 of 2018 on the file of the Judicial Magistrate Court, Arakkonam, Vellore District.

2.The respondent police filed a case against the petitioner in Crime No.273 of 2018 for the offences under Sections 294 (b), 324, 341, 506 (ii) of IPC. The vehicle bearing unregister Swaraj 744FE Tractor with Ch.No.WSCA40622162233 and Engine No.431024/SYA02365 was seized by the respondent police. During the investigation, the petitioner filed a petition before the Judicial Magistrate Court, Arakkonam, Vellore District under Sections 451 and 457 IPC to return the vehicle.

3.The learned Judicial Magistrate found that there is no proof to show the ownership of the vehicle, dismissed the above said petition in C.M.P.No.2736 of 2018 on

30.10.2018. Challenging the said order, the petitioner has filed the present Revision Petition before this Court.

4.The learned counsel for the petitioner would submit that he has produced the document invoice dated 09.08.2017 and also the loan document and the same was not considered by the learned Magistrate and the same warrants interference of this Court.

5.Admittedly, the petitioner has not produced any Registration Certificate to show the vehicle stands in his name and the petitioner is the owner of the vehicle. The only documents produced by him was the invoice and the loan document, which will not create any title or ownership on the date of seizure. Therefore, this Court does not find any perversity in the order passed by the learned Judicial Magistrate and there is no merit in this Revision and the same is liable to be dismissed.

6.Accordingly, this criminal revision petition stands dismissed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ebsi/kas

To

1. The Judicial Magistrate,
Arakkonam,
Vellore District.

2. The Sub Inspector of Police,
Arakkonam Taluk Police Station,
Arakkonam, Vellore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Mohamed Hasain , Advocate SR.No. 15636

Cr1.R.C.No.1475 of 2018

A.SK(18/03/2019)