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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.RC(MD)No.196 of 2019

P.Suresh

... Petitioner

Vs.

The Inspector of Police,
Crime Branch,
Woraiyur Police Station,
Woraiyur, Trichy -3,
Trichy District.

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in Cr.M.P.No.832 of 2019 in R.P.No.435 of 2018 in Crime No.711 of 2018 on the file of Judicial Magistrate No.4, Trichy, dated 14.02.2019, by allowing this revision.

For Revision Petitioner : Mr.R.Sundar

For Respondent : Mr.A.Robinson
Government Advocate (Cr1.Side)

O R D E R

The petitioner claims to be the owner of the vehicle (Lorry) bearing Registration No.TN-48-Y-1288. On 03.10.2018 The respondent registered a case in Crime No.711 of 2018 under Sections 465, 468, 471 and 420 of I.P.C., and seized the said vehicle. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate No.VI, Trichy, for interim custody. The learned Magistrate, by order dated 14.02.2019, has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.Mr.A.Robinson, learned Government Advocate (Cr1.side) submitted that there is a bogus Registration Certificate in respect of the vehicle and he strongly objected to release the vehicle.

4. On consideration of the documentary evidence, the Trial Court has dismissed the petition seeking to release the vehicle filed by the petitioner. However, Considering the facts and circumstances of the case, this Court is inclined to allow this petition.



5. Accordingly, this petition is allowed and the order of the learned Judicial Magistrate No.4, Trichy in CrI.M.P.No.832 of 2019 is set aside and the learned Magistrate is directed to return the vehicle subject to the petitioner on the following conditions:-

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(a) The petitioner shall deposit the original Registration Certificate of the vehicle;

(b) The petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the credit of Crime No.711 of 2018, within a period of one week from the date of receipt of a copy of this order;

(c) The petitioner shall not make any alteration of the vehicle;

(d) The petitioner shall produce the same before the Court as an when required.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar (CS)

vsd

To

1.The Judicial Magistrate No.4,
Trichy.

2.The Inspector of Police,
Crime Branch,
Woraiyur Police Station,
Woraiyur, Trichy -3,
Trichy District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.R.SUNDAR, Advocate Sr. No. 63462

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RP(CO)

TR (08.05.2019) 2P 5C