



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC(MD)No.206 of 2019

Sankarapandian

... Petitioner/Petitioner

Vs.

1.The Inspector of Police,
Tiruchuli Police Station,
Tiruchuli, Virudhunagar District. ... 1st Respondent/Complainant

2.Rajesh Kannan ...2nd Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 20.03.2019 made in Crl.M.P.No.1577 of 2019, on the file of the learned Judicial Magistrate, Aruppukkottai, and to entrust the interim custody of petitioner's vehicle, namely, JCB bearing registration No.TN 40Z 6041, 2000 Model Engine No.4H2034/0000743, Chasis No.9-812930 in his favour, which being seized in connection with FIR in Crime No.189/2018, on the file of the first respondent.

For Petitioner : Mr.A.Balaji

For R1 : Mr.A.Robinson
Government Advocate (Crl.Side)

For R2 : Mr.M.Balakrishnan

O R D E R

The petitioner claims to be the owner of the vehicle (JCB) bearing Registration No.TN 40Z 6041, 2000 Model Engine No.4H2034/0000743, Chasis No.9-812930. On 14.09.2018, the respondent police found the said vehicle has been involved in an offence, in which, the public property has been damaged. Hence, the respondent police registered a case in Crime No.189 of 2018 under Section 431 IPC., & Section 3(1) of TNPPDL Act, and seized the said vehicle. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate, Aruppukkottai, for interim custody. The learned Magistrate, by order dated 20.03.2019, 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 (Crl.side) has strongly objection 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.In view of the above, this petition is allowed and the order of the learned Judicial Magistrate, Aruppukkottai, in Crl.M.P.No.1577 of 2019, is set aside and the learned Magistrate is directed to return the vehicle to the petitioner on the following conditions:-

(a) The petitioner shall entrust the original Registration Certificate of the vehicle before the trial Court;

(b) The petitioner shall deposit a sum of Rs.40,000/- (Rupees Forty thousand only) to the credit of Crime No.189 of 2018 on the file of the Judicial Magistrate, Aruppukkottai, 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 vehicle before the said Court on the first working day of every month;

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS)

sjj

To

1.The Judicial Magistrate, Aruppukkottai.

2.The Inspector of Police, Tiruchuli Police Station,
Tirchuli, Virudhunagar District.

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

+1CC TO MR.M.BALAKRISHNAN, Advocate Sr. No.62236

+1CC TO MR.A.BALAJI, Advocate Sr. No.62235

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