



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2019

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC(MD)No.270 of 2019

Jeeva

... Petitioner/Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Sholavandan Police Station,
Madurai District.

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in Crl.M.P.No.1162 (A)/2019, on the file of the learned Judicial Magistrate, Vadipatti, dated 25.03.2019 and set aside the same by allowing this Criminal Revision case and consequently directing the respondent to hand over the two wheeler bearing registration No.TN-59-CZ-4915 to the petitioner.

For Revision Petitioner : Mr.M.Suresh

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

O R D E R

Mr.A.Robinson, learned Government Advocate (Crl.side), takes notice for the respondent.

2.The petitioner claims to be the owner of the vehicle (Yamaha Cygnus Ray Z) bearing Registration No.TN-59-CZ-4915. On 15.12.2018, the respondent police found the said vehicle for the and registered a case in Crime No.397 of 2018 under Sections 392 IPC. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate, Vadipatti, for interim custody. The learned Magistrate, by order dated 25.03.2019 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

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



4.The learned Government Advocate (Crl.side) has strongly objection to release the vehicle.

5.The learned counsel for the petitioner would submit that the petitioner is ready to file an undertaking affidavit to the effect that he will not sell the vehicle. He would further submit that the original R.C. Book was in the custody of the Finance Company and he is ready to file xerox copy of the R.C. Book before this Court.

6.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.

7.Accordingly, this petition is allowed and the order of the learned Judicial Magistrate, Vadipatti, in Crl.M.P.No.1162 (A)/2019 is set aside and the learned Magistrate is directed to return the vehicle subject to the petitioner on the following conditions:-

(a) The petitioner shall entrust the attested xerox copy of Registration Certificate of the said vehicle before the trial Court;

(b) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Crime No.397 of 2018 on the file of the Judicial Magistrate, Vadipatti, 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

/ True Copy /

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate,
Vadipatti.

2.The Inspector of Police,
Sholavandan Police Station,
Madurai District.



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

+1 CC to M/s.M.SURESH, Advocate (SR-62813[F] dated 26/04/2019)

Cr1.RC(MD)No.270 of 2019
25.04.2019

ES/06.05.2019/3P/5C