



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 08.11.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CRL. R.C. (MD) NO. 556 OF 2019

Marichamy

.. Petitioner/Petitioner

- Vs -

The State rep. by
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District
(Crime No.259 of 2018)

.. Respondent/Complainant

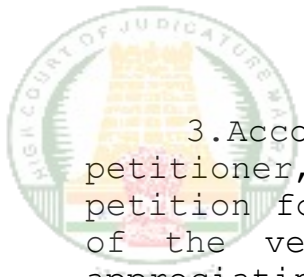
Criminal Revision Case filed u/s 397 r/w 401 of the Code of Criminal Procedure, to set aside the order dated 03.06.2018 made in Crl.M.P.No.3361 of 2019 on the file of the learned Judicial Magistrate No.II, Sattur, Virudhunagar District.

For Petitioner : Mr.N.Mariappan
For Respondent : Ms.M.Anantha Devi
Govt. Advocate (crl.side)

ORDER

The above criminal revision petition has been filed against the order passed by the learned Judicial Magistrate No.II, Sattur, Virudhunagar District in Crl.M.P.No.3361 of 2019 dated 03.06.2018 rejecting the petition filed by the petitioner herein for return of the vehicle seized by the respondent police for the offences under Section 379 IPC and Section 4(1) (1A), 21(1) of Mines and Minerals Act.

2.The case of the petitioner is that he was not involved in the offence as alleged by the respondent police. According to him, he purchased the vehicle, which was seized by the respondent police, only one week before the date of occurrence by way of outright sale and before the name change could be effected in the Registration Office, the police seized the vehicle and in the absence of production of the vehicle, he could not register the transfer of name in his favour. Therefore, he is handicapped from establishing his ownership of the vehicle.



3. According to the learned counsel appearing for the revision petitioner, the learned Judicial Magistrate, however, dismissed the petition for return of the vehicle on the ground that the ownership of the vehicle was not established by the petitioner, without appreciating the fact that the vehicle was purchased recently and the same was seized before change of name could be effected. According to the learned counsel, the petitioner is having all the documents to establish the factum of ownership.

4. From the order passed by the learned Judicial Magistrate, it could be seen that the only the reason for not allowing the petition is that the petitioner has not established his ownership to the vehicle and therefore, petition was held not maintainable and the same was dismissed.

5. After hearing the learned counsel's arguments, particularly, the submission on the part of the petitioner that he is in possession of the documents for establishing the ownership of the vehicle, this Court is of the considered view that the petitioner ought to be given an opportunity to prove his ownership of the vehicle in question before the Judicial Magistrate concerned by producing the relevant materials in support of his claim.

6. In the above circumstances, the order passed by the learned Judicial Magistrate No.II, Sattur, Virudhunagar District in CrI.M.P.No.3361/2019 dated 03.06.2018 is hereby set aside and the matter is remanded back to the learned Judicial Magistrate for fresh consideration and for passing a reasoned order thereon based on the documents to be produced by the petitioner. The petitioner is directed to produce whatever materials he has in his possession to prove the ownership of the vehicle and the learned Judicial Magistrate is directed to consider such materials and pass a reasoned order on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The learned Judicial Magistrate is directed to give fair opportunity to the petitioner to prove his claim of ownership of the vehicle.

7. The Criminal Revision Petition is disposed of for the above terms.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

skn



To

1.The Judicial Magistrate No.II, Sattur, Virudhunagar District.

2.The Government Advocate (criminal side)
Madurai Bench of Madras High Court, Madurai.

3. The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.

+1CC TO MR.N.MARIAPPAN, Advocate Sr. No. 97572

CRL. R.C. (MD) NO. 556 OF 2019

08.11.2019

SCR(CO)
TR(27.11.2019) 3P 5C