



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 20.12.2019

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI****Crl.RC(MD)No.813 of 2019**

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Jansirani Sakkaravarthy
Represented by her Power Agent
S.Ambedkar.

: Petitioner/Petitioner

Vs.

The State represented by its
The Sub Inspector of Police,
Cheranmahadevi Police Station,
(Crime No.80 of 2019)

: Respondent/Complainant

Prayer: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code against the order, dated 24.09.2019 passed by the Judicial Magistrate, Cheranmahadevi, in Crl.M.P.No.3956 of 2019 in Crime No.80 of 2019.

For Petitioner

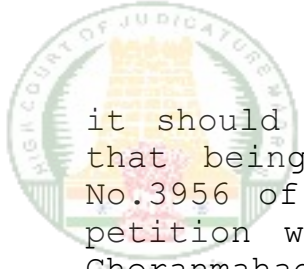
: Mr.V.M.Jegaeesha Pandian

For Respondent

: Mr.APG Omh Chairma Prabhu
Government Advocate (Crl.side)**J U D G M E N T**

This Criminal Revision is filed against the order, dated 24.09.2019 passed by the Judicial Magistrate, Cheranmahadevi, in Crl.M.P.No.3956 of 2019 in Cr.No.80 of 2019, dismissing the petition filed by the petitioner under section 451 of Cr.P.C for selling the vehicle bearing No.MH-46-AP-9290 (Mahindra TUV-300 T8).

2.The short facts of the case is that the vehicle bearing registration No.MH-46-AP-9290 (Mahindra TUV 300) was involved in connection with a case in Crime No.80 of 2019 for the offence under section 25(1A) of the Arms Act, 353 and 506(I) IPC. The petitioner's driver had took the vehicle without the knowledge of the petitioner and it was seized by the respondent police and produced before the concerned Jurisdictional Magistrate in PR No.61 of 2019. The petitioner filed a petition before the Judicial Magistrate, Cheranmahadevi, in Crl.MP No.1947 of 2019, which was allowed on 13.05.2019, thereby the said vehicle was released and handed over to the custody of the petitioner. Thereafter, the petitioner was unable to maintain the said vehicle and due to critical financial condition, they wanted to sell the said vehicle. The learned Judicial Magistrate, Cheranmahadevi, while allowing the petition in Crl.MP No.1947 of 2019 has imposed one of the conditions that the petitioner shall not alienate the ownership of the said vehicle and



it should produced before the court at once in every month. When that being so, the petitioner filed another petition in CrI.MP No.3956 of 2019 seeking permission to sell the vehicle. The said petition was dismissed on 24.09.2019 by the Judicial Magistrate, Cheranmahadevi. Aggrieved by the said order, the petitioner is before this court.

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

4.It is seen from the impugned order, the trial court dismissed the application filed by the petitioner for sale of vehicle on the ground that the petition has been filed by a person as Power Agent and the True Owner of the vehicle is residing in Mumbai and further, the vehicle registration number is Maharashtra State and in case, if the vehicle is permitted to sell, it is not possible for the true owner to produce the alleged vehicle during trial.

5.Further, on perusal of the affidavit filed by the petitioner, who is power of attorney of the original owner of the vehicle, it is stated that the true owner is suffering under financial loss and due to which, he seeks permission of the court to sell the vehicle.

6.On coming to the instant case on hand, the petitioner, who is the Power of Attorney of the original owner, has filed the petition seeking for sale of the vehicle. Further, the case is pending for trial . The trial court, after considering the above aspects has rightly dismissed the petition filed by the petitioner herein.

7.For all the reasons stated above, this court is of the considered view that impugned order passed by the trial court is correct.

8.In the result, the criminal revision is **dismissed**.

Sd/-

Assistant Registrar (AD II)

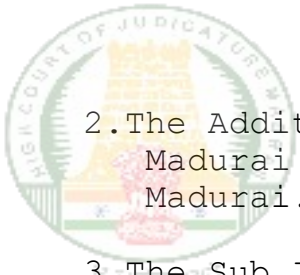
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Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate,
Cheranmahadevi,



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

3.The Sub Inspector of Police,
Cheranmahadevi Police Station.

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+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-106227[F] dated
20/12/2019)

Cr1.RC(MD)No.813 of 2019
20.12.2019

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