

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.14360 of 2020

G.Srinivasan

... Petitioner/Defacto Complainant

Vs.

State by

The Inspector of Police,
Chunambedu Police Station,
Kancheepuram District.
(Crime No.768 of 2015)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the car namely Maruthi Swift bearing Registration No.TN-07-BK-4593 to be sold by the petitioner herein concerned in PRC No.1 of 2017 on the file of the Judicial Magistrate, Madurantakam.

For Petitioner : Mr.T.Surendran

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the car namely Maruthi Swift bearing Registration No.TN-07-BK-4593 to be sold by the petitioner herein concerned in PRC No.1 of 2017 on the file of the Judicial Magistrate, Madurantakam.

2. Heard Mr.T.Surendran, learned counsel appearing for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondent.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of the car and the car involved in the crime committed by the accused in pursuant to the crime No.335 of 2015 and registered for the offences under Section 302 of IPC and Section 27(3) of the Indian Arms Act. The petitioner's son, deceased who was a practising advocate travelled in the car bearing Registration No.TN-07-BK-4593, he was pulled out from the car and he was murdered by the accused persons, the car was seized by the respondent and the same was produced before the learned Judicial Magistrate in Crime No.335 of 2015.

4. Considering the facts and circumstances of the case, the learned Judicial Magistrate, Madurantakam, is ordered to return the car to the petitioner, who is being father of the deceased.

5. Now, the learned counsel for the petitioner would submit that the petitioner is not able to manage the expenses of the car. Therefore, he sought for prayer to this Court to sell the car.

6. The learned Additional Public Prosecutor submitted that admittedly the crime was committed outside the car and the car is no way connected with the crime in Crime No.335 of 2015 under Section 302 of IPC and 27(3) of the Indian Arms Act. Subsequently, the FIR was transferred to Chunambedu Police Station for investigation in Crime No.768 of 2015.

7. The petitioner is the father of the deceased and as such, he is not able to maintain the car. It is seen that the deceased is the son of the petitioner and he was murdered by the accused persons out side of the car, when he was travelled in the car. Thereafter, he pulled out from the car and murdered by the accused. In pursuant to the crime, the case was initially registered in Crime No.335 of 2015 for the offences under Section 302 of IPC and 27(3) of the Indian Arms Act. Subsequently, the FIR was transferred to Chunambedu Police Station for investigation and re-numbered as Crime No.768 of 2015. In fact, the respondent also completed the investigation and filed a final report and the same has been pending for in the PRC stage itself in PRC No.1 of 2017 on the file of the learned Judicial Magistrate, Madurantakam. Therefore, the petitioner has filed the petition for return of vehicle and the same was allowed by the learned Magistrate and included the condition that the petitioner would produce the care once in four months. Later, the condition was relaxed by order dated 21.06.2019 that the car should be produced as and when required by the trial court.

8. Now, the learned counsel for the petitioner submitted that the petitioner being the father of the deceased, who is an advocate clerk is not able to maintain the car and therefore, he wants to sell the car for not able to bear the expenses. Admittedly, the crime was committed outside the car and as such, no crime was committed inside the car. Therefore, considering the facts and circumstances of the case, petitioner is hereby permitted to sell the car namely Maruthi Swift bearing Registration No.TN-07-BK-4593 concerned in PRC No.1 of 2017 on the file of the Judicial Magistrate, Madurantakam.

9. With the above observation, this Criminal Original Petition is allowed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssn

To

1.The Judicial Magistrate,
Madurantakam

2.Do Thro The Chief Judicial Magistrate
Kancheepuram District

3. The Inspector of Police,
Chunambedu Police Station,
Kancheepuram District.

4. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.T.Surendran, Advocate, SR.No.33693 (18/11/2020)

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CA(CO)
SP(28/10/2020)