



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 13.08.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.435 of 2020
and Crl.M.P.(MD)No.3819 of 2020

Vigneshdevan

.. Petitioner

Vs.

The State rep. by
Sub- Inspector of Police,
Idayakottai Police Station,
Dindigul District.
(Crime No.10/2020)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for records and set aside the order passed in Crl.M.P.No.1666 of 2020, dated 13.07.2020 on the file of the Judicial Magistrate, Oddanchatram.

For Petitioner : Mr.S.C.Herold Singh

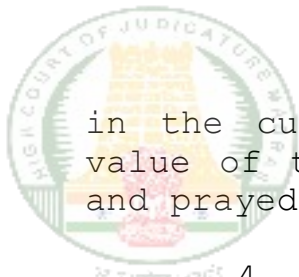
For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed to set aside the order passed in Crl.M.P.No.1666 of 2020, dated 13.07.2020 on the file of the Judicial Magistrate, Oddanchatram.

2. On the side of the petitioner, it is stated that the petitioner purchased the vehicle viz., Car from the original owner. However, due to lockdown, the petitioner was not able to transfer the vehicle in his name. The vehicle was seized by the Police in Crime No.10 of 2020, under Sections 294(b), 324, 307 of I.P.C. The petitioner filed a petition for return of the vehicle before the learned Judicial Magistrate, Oddanchatram and the learned Magistrate dismissed that petition. Against the order of dismissal, the petitioner has come forward with this Criminal Revision Case.

3. On the side of the petitioner, it is stated that the petitioner is the owner of the vehicle and as the vehicle is kept



in the custody of the respondent for the past six months, the value of the vehicle is deteriorating due to climatic conditions and prayed the vehicle to be returned to the petitioner.

4. On the side of the prosecution, it is stated that the RC book was not in the name of the petitioner and if the vehicle is handed over to the petitioner for interim custody, there is every possibility for him to involve the vehicles for similar illegal activities and he objected to the return of the vehicle to the petitioner.

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

6. It is seen that the vehicle was already produced before the Judicial Magistrate, Oddanchatram, in R.P.R.No.30 of 2020, the property is a four wheeler, viz., Quails Toyota Car, bearing Registration No. TN 02 K 7447. A perusal of the records reveals that the offence against the accused is under Sections 294(b), 324, 307 of I.P.C. On the side of the petitioner, it is stated that the RC book was in the name of the previous owner of the vehicle and before transferring the name, the petitioner may not be in a position to produce the original RC book before the Court and that for transferring the vehicle in the name of the petitioner, the petitioner has to produce the vehicle. Hence, this Court is inclined to allow the petition with certain conditions.

7. Accordingly, this Criminal Revision Case is allowed and the order passed in Crl.M.P.No.1666 of 2020, dated 13.07.2020 on the file of the Judicial Magistrate, Oddanchatram. is set aside and the vehicle / Car is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

(i) The petitioner shall deposit a sum of **Rs.3,00,000/- (Rupees Three lakhs only)** to the credit of Crime No.10 of 2020 on the file of the learned Judicial Magistrate, Oddanchatram. along with a bond for **Rs.10,00,000/- (Rupees Ten Lakhs only)** with two sureties for a like sum and on further condition that the **RC book is to be deposited before the Court within a period of two weeks** from the date of return of the vehicle.

(ii) The petitioner has to file an affidavit undertaking to produce the R.C.Book within a period of two weeks from the date of return of the vehicle:



(iii)The petitioner shall not make any alienation or alterations in the vehicle;

(iv)The petitioner shall produce the vehicle before the Court and before the respondent as and when required, by the Court and by the respondent.

Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate,
Oddanchatram .
2. The Chief Judicial Magistrate, Dindicul
3. The Sub- Inspector of Police,
Idayakottai Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD)No.435 of 2020
13.08.2020

ns (CO)
TR(09.09.2020) 3P 5C