



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.08.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.465 of 2020

Senthil Mohan

.. Petitioner/Petitioner

Vs.

State represented by
The Inspector of Police,
Rameshwaram Town Police Station,
Ramanathapuram District.
(FIR No.55 of 2020)

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the order dated 27.07.2020, passed in Cr.M.P.No.809 of 2020 on the file of the learned District Munsif Cum Judicial Magistrate, Rameswaram, to set aside the same.

For Petitioner	: Mr.K.Gokul
For Respondent	: Mr.K.Dinesh Babu
	Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed to set aside the order passed in Cr.M.P.No.809 of 2020 dated 27.07.2020, on the file of the learned District Munsif Cum Judicial Magistrate, Rameswaram.

2.On 19.02.2020, one Prasanth and Manikanda Murugan were travelling in a bike bearing registration No.TN-65-AK-7186 near James Mahal in Rameshwaram main road. At that time, an auto bearing registration No.TN-65-Q-2341, came in the opposite direction in a rash and negligent manner dashed against the bike. At the same time, a TN STC bus bearing registration No.TN-63-N-1805, came behind and dashed the deceased and his friend. A case was registered in Crime No.55 of 2020 under Sections 279, 337 and 304(A) of IPC. The petitioner claiming as the owner of the auto, filed a petition in Cr.M.P.No.809 of 2020, before the learned District Munsif cum Judicial Magistrate for the return of the vehicle. The learned District Munsif cum Judicial Magistrate dismissed the petition on 27.07.2020. Against the order of dismissal, the petitioner filed this revision petition.

3.On the side of the petitioner, it is stated that the auto was seized by the respondent Police and kept idle in the police station. The petitioner is the owner of the vehicle and not the accused. If the vehicle is kept in open, the value of the vehicle will be deteriorated. Only just before the accident took place, the petitioner entrusted his vehicle in a mechanical shop for getting it



ready for fitness certificate and prayed the vehicle to be returned to him.

4. On the side of the respondent, it is stated that the petitioner is the owner of the vehicle and the Motor Vehicles Inspector's report was already received and the investigation is almost over.

5. A perusal of the records reveals that the trial Court dismissed the petition only on the ground that M.V. Report was yet to be received by the Police. Whereas the submission of the prosecution reveals that the M.V. Report was now received by the Police.

6. In the above circumstances, this Criminal Revision Case is allowed and the order of the learned District Munsif cum Judicial Magistrate, Rameswaram in Cr.M.P.No.809 of 2020 dated 27.07.2020 is set aside and this Court is inclined to return the vehicle to the petitioner for interim custody on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Rameswaram.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Munsif cum Judicial Magistrate,
Rameswaram.

2.The Inspector of Police,
Rameshwaram Town Police Station,
Ramanathapuram District.

Copy to

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

Crl. R.C. (MD) No.465 of 2020
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