



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 07.10.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.519 of 2020

N.Gokulakannan

.. Petitioner /Owner of Vehicle

Vs.

State Rep. by,
The Sub Inspector of Police,
Rameshwaram Police Station,
Ramanathapuram District.

(Crime No.55 of 2020)

.. Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.925 of 2020 in Crime No.55 of 2020 dated 21.07.2020 on the file of the learned District Munsif cum Judicial Magistrate, Rameshwaram, Ramanathapuram District and to set aside the same.

For Petitioner : Mr.T.Veerakumar

For Respondent : Mrs.S.Bharathi,

Government Advocate

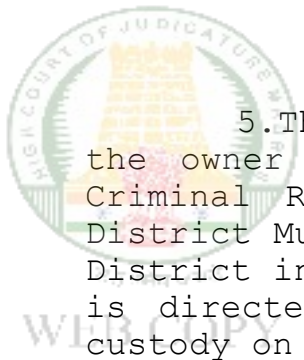
ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.925 of 2020 dated 21.07.2020, on the file of the learned District Munsif cum Judicial Magistrate, Rameshwaram, Ramanathapuram.

2.The petitioner claims to be the owner of the two wheeler bearing Registration No.TN-65-AK-7186, seized by the respondent. The petitioner approached the learned District Munsif cum Judicial Magistrate, Rameshwaram, Ramanathapuram District, by filing a petition in Crl.M.P.No.925 of 2020 for release of the vehicle and the learned Judge dismissed the petition on 21.07.2020. Against which, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the deceased borrowed the vehicle of the petitioner and met with the accident. The value of the vehicle will be deteriorated, if the vehicle is kept in a open place and prayed the vehicle to be returned to the petitioner.

4.On the side of the respondent, it is stated that the inspection of the M.V. Inspector was over. The reason for the dismissal of the order is that the vehicle is needed for the inspection of the M.V. Inspector and prayed to dismiss the petition.



5.The copy of the R.C. Book reveals that the petitioner is the owner of the vehicle. There is no rival claim. Hence, this Criminal Revision Case is allowed and the order of the learned District Munsif cum Judicial Magistrate, Rameshwaram, Ramanathapuram District in Cr.M.P.No.925 of 2020 is set aside and the learned Judge is directed to return the vehicle to the petitioner for interim custody on the following conditions:

(i)The petitioner shall deposit the original Registration Certificate of the vehicle with the learned District Musnif cum Judicial Magistrate, Rameshwaram, Ramanathapuram District ;

(ii)The petitioner is directed to execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned learned District Munsif cum Judicial Magistrate, Rameshwaram, Ramanathapuram District ;

(iii)The petitioner shall not alienate and shall not make any alteration in the vehicle ;

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

Sd/-

Assistant Registrar (CS-I)

// 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.

To

1.The District Munsif cum Judicial Magistate,
Rameshwaram, Ramanathapuram.

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

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

Crl. R.C.(MD)No.519 of 2020
07.10.2020

VB (15.10.2020) 2P 4C

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