



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.09.2020

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.494 of 2020

Murugan

.. Petitioner

Vs.

The State represented by,
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli.

(Crime No.4 of 2020)

.. Respondent

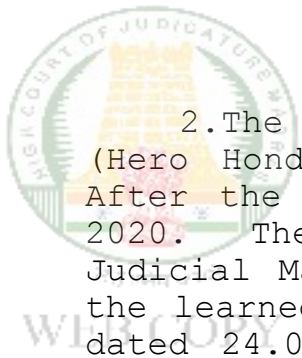
Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the entire records pertaining to the order passed by the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli District in Cr.M.P.No.1158 of 2020 vide its order dated 24.08.2020 and to quash the same and consequently direct the above said learned District Munsif cum Judicial Magistrate to return the petitioner's two wheeler namely Hero Honda Splendor Plus bearing registration No.TN-72-AB-3157, kept in the custody of the above said learned Magistrate in P.R.No.82 of 2020 in connection with a case in Crime No.4 of 2020 on the file of the respondent Police to the petitioner.

For Petitioner : Mr.R.L.Dhilipan Pandian

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

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.1158 of 2020 dated 24.08.2020, on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli District and to return the petitioner's two wheeler namely Hero Honda Splendor Plus bearing registration No.TN-72-AB-3157, kept in the custody of the above said learned Magistrate in P.R.No.82 of 2020 in connection with a case in Crime No.4 of 2020 on the file of the respondent Police.



2.The petitioner claims to be the owner of the two wheeler (Hero Honda Splendor Plus) bearing Registration No.TN-72-AB-3157. After the two wheeler was seized by the Police in Crime No.4 of 2020. The petitioner approached the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, for return of the vehicle and the learned Judge dismissed the petition in Cr.M.P.No.1158 of 2020 dated 24.08.2020. Against the same, the petitioner preferred the Criminal Revision Case.

3.On the side of the petitioner, it is stated that in form no.95, the number of the vehicle was wrongly stated as TN-72-AB-8157. But the real registration number of vehicle is TN-72-AB-3157. The vehicle was kept in open for the past seven months and prayed the vehicle to be returned to the petitioner.

4.On the side of the respondent, it is stated that the registration number of the vehicle, which was used in the offence is TN-72-AB-8157. But the petitioner claims to be the owner of the vehicle having registration No.TN-72-AB-3157. Only with an intention to commit some offence, the petitioner used a wrong number plate. If the vehicle is returned to the petitioner, the vehicle might be used for committing the similar offences again. It is stated that the petitioner is having one more previous cases in Crime No.507 of 2017 under Sections 147 and 506(ii) of IPC and prayed to dismiss the petition.

5.On the side of the petitioner, it is stated that only by mistake, the number plate was wrongly printed. If there is any intention to commit the offence, the petitioner might have changed all the numbers. It is further stated that the engine number and the chasis number are the same.

6.On the side of the respondent, it is stated that in the original petition filed by the petitioner, he has not stated that there was a mistake in the registration number. The petitioner has stated that in form 95, the Police has committed the mistake. Only in the present revision petition, the petitioner is claiming that the number plate was mistakenly printed.

7.It is seen that the chasis number and engine number of the seized vehicle and the number stated in the R.C.book are same. There is a difference in one of the numbers in the number plate. There is no other dispute regarding the ownership of the vehicle. If the vehicle is kept idle, the value will get deteriorated. **The respondent can add a charge for using a wrong number plate.**

8.In the above circumstances, this Court is inclined to return the vehicle for interim custody with the petitioner subject to the confiscation proceedings to be taken, on the following conditions:



(i)The petitioner shall deposit the original Registration Certificate of the vehicle with the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli ;

(ii)The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.4 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli, within a period of two weeks from the date of receipt of a copy of this order ;

(iii)The petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, Tirunelveli ;

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

(v)The petitioner shall produce the vehicle before the Court and before the respondent as and when required and this order is subject to the final order to be passed in the confiscation proceedings ;

9.With the above direction, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS-II)

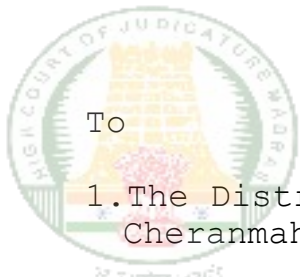
// True Copy //

/ /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.



To

1. The District Munsif-cum-Judicial Magistrate,
Cheranmahadevi.
2. The Inspector of Police,
Suthamalli Police Station,
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No. 494 of 2020
16.09.2020

CS (22.09.2020) 4P 4C