



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 07.10.2020
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.518 of 2020

WEB COPY

Mohamed Sameerudeen

... Petitioner

Vs.

The Inspector of Police,
East Police Station,
Kumbakonam,
Thanjavur District.
(in Crime No.187 of 2019)

... Respondent

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to call for the records pertaining to the order dated 11.03.2020 made in Cr.M.P.No.517 of 2020 on the file of the learned Judicial Magistrate No.I, Kumbakonam and to set aside the same.

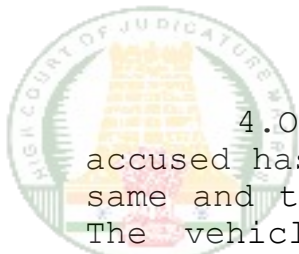
For Petitioner	: Mr.V.Angusamy
For Respondent	: Mrs.S.Bharathi, Government Advocate

ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.517 of 2020 dated 11.03.2020, on the file of the learned Judicial Magistrate No.I, Kumbakonam.

2.The petitioner claims to be the owner of the vehicle bearing Registration No.TN-03-M-6943. The respondent seized the vehicle belonging to the petitioner and the case in Crime No.187 of 2020 was registered under Sections 294(b), 307, 506(ii) of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act and Section 26(2) of Arms Act. Subsequently, the petitioner has approached the learned Judicial Magistrate No.I, Kumbakonam, by filing a petition in Crl.M.P.No.517 of 2020 for the release of the vehicle and the learned Judge dismissed the petition on 11.03.2020. Against which, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that if the vehicle is kept in a open place, the value of the vehicle will be deteriorated due to exposure to the climatic condition and prayed the vehicle to be returned to the petitioner.



4.On the side of the respondent, it is stated that the accused has filled up 20 litres of diesel and refused to pay for the same and threatened the defacto complainant and others with aruval. The vehicle is relevant to prove the case. The case is under investigation. The accused was detained under the Goondas Act. M.V. Report was received and investigation is almost completed. If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offence and prayed the petition to be dismissed.

5.On verification of records, it is seen that the petitioner is not the owner of the vehicle. The R.C. Book stand in the name of some body else. An agreement of the sale cannot be treated as a document of ownership.

6.In the above circumstance, there is nothing sufficient enough to prove that the petitioner is the owner of the vehicle and the prayer of the petitioner cannot be considered at this stage. Hence, this Criminal Revision Case is dismissed.

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 Judicial Magistrate No.I, Kumbakonam.

2.The Inspector of Police,
East Police Station,Kumbakonam,Thanjavur District.

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

Crl. R.C. (MD)No.518 of 2020

07.10.2020

VR(CO)

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