



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 29.09.2020
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

WEB COPY

Crl. R.C.(MD)No.529 of 2020

Sujo

.. Petitioner

Vs.

State Rep. By
Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.531 of 2019)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to set aside the order dated 09.09.2020 made in Crl.M.P.No.1537 of 2020 on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.K.Dinesh Babu,

Additional Public Prosecutor

ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.1537 of 2020 dated 09.09.2020, on the file of the learned Judicial Magistrate, Eraniel, Kanyakumari District.

2.The case against the petitioner is that the petitioners and others murdered one Selvaraj. The case in Crime No.531 of 2019 was registered by Eraniel Police Station. The vehicle Yamaha bearing Registration No.TN-66-Y-9654 was seized by the respondent police. The petitioner claiming to be owner of the vehicle filed the petition in Crl.M.P.No.1537 of 2020 for return of the vehicle before the learned Judicial Magistrate, Eraniel. The petition was dismissed by the trial Court. Against the dismissal of the order, the petitioner has preferred this revision case.

3.On the side of the petitioner, it is stated that if the vehicle was kept idle, the value of the vehicle will be deteriorated and prayed to allow the petition.

4.On the side of the respondent, it is stated that on 23.10.2019, at about 03.00 p.m., when the defacto complainant and his brother were travelling in bullet motor cycle, the accused persons came in the rash and negligent manner from the opposite direction in a two wheeler and they entered into a wordy quarrel with the defacto complainant and his brother. The petitioner kicked the bike of the deceased and he fell down and sustained injuries.



They attacked the deceased with helmet and the deceased was admitted in the hospital and he died on 28.10.2019. The petitioner is having two previous cases. The offence is serious in nature. The chargesheet was filed and taken on file as P.R.C.No.4 of 2020. If the vehicle is returned to the petitioner, there is possibility for altering or changing the vehicle structure and prayed the petition to be dismissed.

5.It is seen that the petitioner is A2 in the case. If the vehicle is returned to the petitioner, there is possibility for the vehicle to be used for commission of similar offence. The chargesheet was filed and the case was taken on file as P.R.C.No.4 of 2020 and the case has to be committed to the Sessions Court and at this stage, the return of the vehicle to the petitioner will disturb the committal proceedings. The petitioner is at liberty to approach the concerned Court after the completion of the committed proceedings.

6.With the above direction, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (AS)

// 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, Eraniel.

2.The Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

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

Crl. R.C.(MD)No.529 of 2020

29.09.2020

VR(CO)

<https://hcservices.courtsgo2.in/hcservices/> 2P 4C