



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 24.11.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.595 of 2020

V.Santhakumari

.. Petitioner/Petitioner

Vs.

The State of Tamil Nadu,
Rep. By the Inspector of Police,
Marthandom Police Station,
Kanyakumari District.
(Crime No.859 of 2020)

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to set aside the order passed in Crl.M.P.No.1869 of 2020 on the file of the learned Judicial Magistrate No.I, Kuzhithurai dated 06.10.2020, to grant interim custody of JCB Hitachi produced in R.P.No.295 of 2020 on the file of the learned Judicial Magistrate No.I, Kuzhithurai in favour of the revision petitioner.

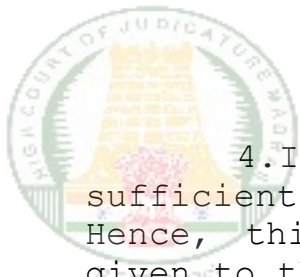
For Petitioner	: Mr.S.Regu
For Respondent	: Mr.A.Saravana Kumar Government Advocate

ORDER

This petition has been filed to set aside the order passed in Crl.M.P.No.1869 of 2020 dated 06.10.2020, on the file of the learned Judicial Magistrate No.I, Kuzhithurai.

2.On the side of the petitioner, it is stated that since the vehicle was produced before the learned Judicial Magistrate, the petitioner filed a petition in Crl.M.P.No.1869 of 2020 before the learned Judicial Magistrate No.I, Kuzhithurai for granting interim custody of the vehicle to the petitioner. The learned Judicial Magistrate dismissed the petition. The learned Judicial Magistrate failed to pass the order questioning the jurisdiction.

3.On the side of the respondent, it is stated that for return of vehicle, only the Special Court is entitled to pass the order. The learned Magistrate has no jurisdiction.



4. In view of the above submission, there is nothing sufficient enough to interfere in the order of the trial Court. Hence, this Criminal Revision Case is dismissed and liberty is given to the petitioner to approach the Special Court.

WEB COPY

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,
Kuzhithurai.

2. The Inspector of Police,
Marthandom Police Station,
Kanyakumari District.

Crl. R.C. (MD) No. 595 of 2020
24.11.2020

SGS (CO)

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