



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 23.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.673 of 2020

M.Parameshwaran

.. Petitioner / Accused No.2

Vs.

State.

Rep.by the Inspector of Police,
Samayanallur Police Station,
Madurai.

(Crime No.636/2020)

.. Respondent / Complainant

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records and to set aside the order of the learned Judicial Magistrate, Vadipatti, dated 14.09.2020 in Cr.M.P.No.1450 of 2020 in Crime No.636 of 2020.

For Petitioner

: Mr.M.Sarangan

For Respondent

: Mrs.S.Bharathi

Government Advocate (crl.side)

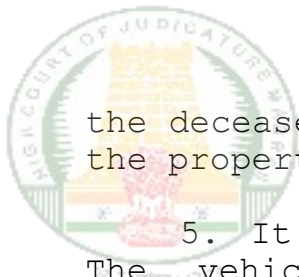
ORDER

This revision has been filed to set aside the order of the learned Judicial Magistrate, Vadipatti, dated 14.09.2020 in Cr.M.P.No.1450 of 2020 in Crime No.636 of 2020.

2. The vehicle / two wheeler bearing Registration No.TN-58-BC-2336, was seized by the respondent police in Crime No.636 of 2020 under Sections 302 and 201 I.P.C. The petitioner claiming himself as the owner of the property filed a petition before the Judicial Magistrate, Vadipatti, in Cr.M.P.No.1450 of 2020. That petition was dismissed by the Judicial Magistrate. Against the same, the petitioner preferred this Criminal Revision.

3. On the side of the petitioner, it is stated that the petition filed by the petitioner was dismissed by the Judicial Magistrate, only because the investigation is pending. Now, charge sheet was filed by the prosecution and the same was taken on file as P.R.C.No.15 of 2020 and it is pending for committal and there is no use in keeping the vehicle in the open place and prayed the vehicle to be returned to the petitioner.

4. On the side of the respondent, it is stated that the vehicle was seized in a criminal case. Now, the investigation is over and the matter is pending before the Judicial Magistrate for committal. Return of vehicle at the time of committal will affect the case of the prosecution. The petitioner is none other than the father of the first accused. The first accused used the vehicle to take away



the deceased for the purpose of murder and objected to the return of the property to the petitioner.

5. It is seen that the vehicle was seized in a murder case. The vehicle was already in the custody of the Court in P.R.No.63/2020. Since the property is in the custody of the Court, there is no question of leaving the property in the open place. The case is at the stage of committal. The vehicle has to be produced before the Sessions Court, after the case is being committed.

6. In the above circumstances, this Court is not inclined to return the vehicle. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

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,
Vadipatti.
2. The Inspector of Police,
Samayanallur Police Station,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.673 of 2020
23.12.2020

—
KMV(CO)

KK(18.01.2021) 2P 4C