

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2021

CORAM :

THE HON'BLE MR. JUSTICE N. SATHISH KUMAR

Crl.R.C.No.305 of 2021

Hariharan

... Petitioner

Vs.

State by,
The Inspector of Police,
Semmanchery Police Station,
Kancheepuram District.
(Crime No.07 of 2020)

... Respondent

PRAYER: Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. to set aside the order dated 21.12.2020 made in Crl.M.P.No.51 of 2021 on the file of the Judicial Magistrate-II, Alandur and return the Vehicle TATA Tiago (White Color) bearing Registration No. TN.51.AK.2471 seized and impounded by the Respondent Police in Cr.No.964 of 2020 to the petitioner.

For Petitioner : Mr.M.Simon Jeyakumar

For Respondent : Mr.A.Damodaran
Counsel for Government
of Tamil Nadu (Crl.Side)

O R D E R

This Criminal Revision Case has been filed against the order of the learned Judicial Magistrate-II, Alandur, dismissing the petition filed by the petitioner for return of his vehicle, i.e. Four Wheeler, Car, bearing Registration No.TN-51-AK-2471.

2.The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and the Registration Certificate stands in the name of the petitioner. He would further submit that the vehicle is no way involved in the offence and the petitioner is a third party to the offence. He also submitted that, if the vehicle is kept idle, the same will not serve any purpose in future and its value will also be decreased. Hence, the learned counsel prayed for return of the vehicle to the petitioner.

3.The learned counsel for Government of Tamil Nadu (Crl. Side) appearing for the respondent objected to the return of the vehicle to the petitioner.

4.Heard the learned counsel on either side and perused the materials available on record.

5.Considering the facts and circumstances of the case and on perusal of the Registration Certificate of the vehicle and also considering the submission of the learned counsel for the petitioner that the petitioner is a third party to the offence, this Court is inclined to grant the relief sought for by the petitioner.

6.Accordingly, the order dated 21.12.2020, made in Crl.M.P.No.51 of 2021, on the file of the Judicial Magistrate-II, Alandur, is set aside and this Court orders interim custody of the vehicle TATA Tiago (White Color), bearing Registration No.TN-51-AK-2471, to the petitioner herein, on the following conditions :

1. The petitioner shall execute a bond for a sum of Rs.50,000/- along with two sureties.
2. The petitioner shall execute a panchanama.
3. He should not make any alterations in the vehicle or sell the vehicle.
4. He should produce the vehicle as and when required by the concerned Court.

The respondent police is directed to ensure that the vehicle is handed over to the petitioner on he executing the above said bond.

Accordingly, this Criminal Revision Case is allowed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mkn/ssr

To

1.The Judicial Magistrate-II,
Alandur.

2.The Inspector of Police,
Semmanchery Police Station,
Kancheepuram District.

3.The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.305 of 2021

LN(CO)
A.SK (12.07.2021)



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