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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.RC.No.286 of 2014

S.M.Ramesh Kumar

... Petitioner

Vs

1.The Inspector of Police,
M-7, Manali New Town Police Station,
Manali, Chennai.
(Crime No.89 of 2013).

2.The Inspector of Police,
M8-Sathankadu Police Station,
Chennai.
(Crime No.190 of 2013)

3.Mr.Ravi

4.Mr.Abdul Hameed

5.Mr.Mohanraj

(5th respondent/defacto complainant in Cr.No.89/2013)

6.M/s.Shri Ram Transport Finance Company Limited,
Represented by its Assistant Product Manager,
Mr.P.Sivaraj, S.P.Complex, 1st floor,
Wall Tax Road, Sowcarpet,
Chennai - 79.

... Respondents

Prayer: This Criminal Revision Petition has been filed, under Section 397 read with 401 of Cr.P.C, praying to call for the records of the learned Judicial Magistrate No.II, Ponneri in Crl.M.P.No.7280 of 2013 and set aside the order dated 11.12.2013 and thereby direct the learned Magistrate to return the lorry Ashok Leyland Taurus Tipper Lorry bearing registration No.TN-34F-0623 (Engine No:DPE434131, Chassis No.CPH118099 and now fitted with the second hand engine bearing No.EPE-432674) to the petitioner pending investigation in Crime No.89 of 2013 on the file of the 1st respondent/complainant.



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For Petitioner : No Appearance

For Respondent : Mr.L.Baskar

Government Advocate for R1 and R2
(Crl.side)

ORDER

This Criminal Revision Petition has been filed by the petitioner/accused, praying to call for the records of the learned Judicial Magistrate No.II, Ponneri in Crl.M.P.No.7280 of 2013 and set aside the order dated 11.12.2013 and thereby direct the learned Magistrate to return the lorry Ashok Leyland Taurus Tipper Lorry bearing registration No.TN-34F-0623 (Engine No:DPE434131, Chassis No.CPH118099 and now fitted with the second hand engine bearing No.EPE-432674) to the petitioner pending investigation in Crime No.89 of 2013 on the file of the 1st respondent/complainant.

2. Today when the matter is called, there is no representation for the petitioner.

3. The learned Government Advocate (Crl.side) would submit that the case is pending before the trial Court.

4. Since the matter is pending before the trial Court and there is a dispute with regard to the ownership of the subject vehicle, this Court is of the view that it is for the trial Court to decide the issue based upon oral and documentary evidence. Hence, the Criminal Revision Petition is dismissed. Accordingly, the order passed in Crl.M.P.No.7280 of 2013, on the file of the learned Judicial Magistrate No.II, Ponneri, is hereby confirmed..

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.II,
Ponneri.

2.The Inspector of Police,
M7, Manali New Town Police Station,
Manali, Chennai.

3.The Inspector of Police,
M8-Sathankadu Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

5.The Section Officer,
Criminal Section,
High Court, Madras.

CrI.R.C.No.286 of 2014

RLD (CO)
PR (03/08/2021)