



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.660 OF 2021

K.Kumaran,
S/o, Kandasamy

... Petitioner/Petitioner/
Authorized Person

Versus

1. State rep by
The Inspector of Police,
Arcot Town Police Station.

...1st Respondent/1st Respondent/
Complainant

2. M.Johnbosco
S/o, Mariyasusai

... 2nd Respondent/2nd Respondent/
Accused

PRAYER: Criminal Revision Petition filed under Sections 397 & 401 of the Code of Criminal Procedure, to call for the record and set aside the order dated 26.08.2021 passed in Crl.M.P.No.1556 of 2021 on the file of the learned District Munsif cum Judicial Magistrate at Arcot, Vellore District.

For Petitioner : No appearance

For Respondent R1 : Mr.M.Sugendran
Government Advocate,
(Criminal Side)

ORDER

This Criminal Revision Petition has been filed to call for the records and to set aside the order dated 26.08.2021 passed in Crl.M.P.No.1556 of 2021 on the file of the learned District Munsif cum Judicial Magistrate at Arcot, Ranipet District.



2. The respondent police registered a case in Crime No.440 of 2021 for the offence under Section 302 I.P.C. The Lorry bearing Reg.No.TN 04 AQ 6213 was seized by the respondent police. The petitioner has filed the Crl.M.P.No.1556 of 2021 on the file of the District Munsif cum Judicial Magistrate, Arcot, Vellore District, for the interim custody of the vehicle. The learned Magistrate dismissed the petition. Challenging the said order, now the petitioner has filed the present revision before this Court.

3. Today, when the matter is taken up for hearing, there is no representation for the revision petitioner.

4. Heard the learned counsel for the Government Advocate (Criminal Side) appearing for the respondent and perused the records.

5. The respondent police registered the case against the petitioner in Cr.No.440 of 2021 for the offence under section 302 I.P.C. During investigation, the respondent police seized the vehicle bearing Reg.No.TN 04 AQ 6213. During the pendency of investigation, the petitioner has filed Crl.M.P.No.1556 of 2021 before the District Munsif cum Judicial Magistrate, seeking interim custody of the vehicle. The said petition was dismissed by the learned Magistrate. It is a well settled proposition of law that, during pendency of investigation, interim custody of the vehicle given to the accused/owner of the vehicle is purely the discretionary power of the Court. In this case, admittedly investigation is not yet completed and charge sheet is also not yet filed.

6. Therefore, under this circumstance, this Court is not inclined to entertain this Revision Case. Hence, the Revision Case is dismissed at the admission stage itself.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The District Munsif cum Judicial Magistrate,
District Munsif cum Judicial Magistrate Court,
Arcot, Ranipet District.



2. The Inspector of Police,
Arcot Town Police Station,
Arcot.

3. The Public Prosecutor,
High Court,
Madras.

CRL.R.C.No.660 of 2021

SRA (CO)
RLP (28/12/2021)