



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Revision Case No.850 of 2021

M. Alagu

... Petitioner

..Vs..

State, Represented by,
The Inspector of Police,
Sulur Police Station,
Coimbatore District.
Crime No.2049 of 2020

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to call for the records in CMP.No.1796 of 2021 on the file of the Judicial Magistrate Court, Sulur, dated 12.10.2021, set aside the same and direct the respondent to release the petitioner's vehicle Mahindra Bolero, Reg.No.TN-55-AB 5055 to the petitioner.

For Petitioner : Mr.S.R.Prabakar
For Respondent : Mr.S.Sugendran
Government Advocate (Crl. Side)

O R D E R

This Criminal Revision Petition has been filed against the dismissal of the petition seeking return of property.

2.Learned counsel for the petitioner would submit that the petitioner is the third party and owner of Mahindra Bolero bearing Registration No.TN-55-, Engine No.GPC4C37643, Chasis No.MA1XX2GPK2C68341. The petitioner's son was falsely implicated in a case registered in Crime No.2049/2020 for the offence under Section 397 IPC registered by the respondent and the vehicle was seized from the custody of the petitioner's son. He would further submit that the very reading of the FIR would show that it is a ground case foisted for retaining the accused. He would further submit that the petitioner is not an accused. He would further submit that the vehicle is kept in open space exposing to vagaries of weather and thereby, the value of the vehicle is deteriorating day by day. He would further submit



that the petitioner had filed Crl.M.P.No.1796 of 2021 before the learned Judicial Magistrate, Sulur and that the learned Judge holding that there is chance of alteration or sale of the vehicle, had dismissed the petition. He would submit that the petitioner is prepared to give an undertaking that the vehicle will not be sold and it will be produced before the respondent or before the concerned court as and when required for the purpose of investigation and thereby he seeks to set aside the order passed by the trial court and interim custody of the vehicle to the petitioner.

3.Mr.S.Sugendran, learned Government Advocate (Crl side) appearing for the respondent would submit that the petitioner vehicle involved in Crime No.2049/2020 for the offence under Section 397 of IPC. He would submit that the petitioner's son used the vehicle and that he along with his friends had waylaid one Padmanapan and had committed robbery. He would submit that the vehicle was seized in connection with the case. He would further submit that the learned Magistrate finding that there is chance of vehicle being disposed, had dismissed.

4. Heard the learned counsels on both sides and perused the materials on record.

5.Taking into consideration of the fact that the petitioner is not an accused in this case and that the vehicle is parked in open exposure to vagaries of weather, this Court is inclined to grant interim custody of the vehicle to the petitioner.

6. In view of the above, the order of the learned Judicial Magistrate Sulur in Crl.M.P.No.1796 of 2021 dated 12.10.2021 stands set aside and the criminal revision petition stands allowed. The interim custody of the vehicle is directed to be handed over to the petitioner subject to the following conditions:

(i)The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate, Sulur.

ii) The petitioner shall produce the original RC Book of the vehicle in question before the Trial Court and file an affidavit of undertaking that he will not dispose or alter the physical features of the vehicle and that he will produce the vehicle before the trial court as and when required by the Trial Court or the Investigating Agency.



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iii) The original RC book of the vehicle shall be retained by the trial court till the disposal of the trial or until further orders from this Court.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vri/shk

To

1.The Judicial Magistrate,
Sulur.

2. The Inspector of Police,
Sulur Police Station,
Coimbatore District.
Crime No.2049 of 2020

3.The Public Prosecutor (Crl side),
High Court, Madras.

4.The Record Keeper,
Criminal Section, High Court, Madras.

+1 cc to Mr.S.R.Prabakar, Advocate Sr.NO. 63069
Crl. RC. No.850 of 2021

bp(CO)
A.SK(08.02.2022)