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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM:

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.R.C.No. 997 of 2021

Mohamed Yusuf

... Petitioner

Versus

The State,
represented by
The Inspector of Police,
Vaniyambadi Town Police,
Vaniyambadi, Thirupathur District.

... Respondent

Prayer:- Criminal Revision Case filed under Section 397 read with Section 401 Cr.P.C., to set aside the order passed by the learned Judicial Magistrate, Vaniyambadi, Thirupathur District in CMP.No. 3934 of 2021 in Crime No. 86 of 2021, dated 30.07.2021.

For Petitioner : Mr.C. Vinodhkumar

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

O R D E R

The Criminal Revision Case has been filed, against the order dated 30.07.2021 made in Crl.M.P.No. 3934 of 2021 in Crime No. 86 of 2021, by the learned Judicial Magistrate, Vaniyambadi, dismissing the said petition, seeking return of the vehicle, Tata Indica Tourist Motor Car Taxi, bearing Registration No.TN-57-W-8861, which was seized in Crime No.86 of 2021, registered by the respondent police for the offences under Sections 294(b), 323, 506(ii), 363 of IPC, read with Section 34 of IPC.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the vehicle in question and that he is the sole bread winner of his family and that his livelihood is solely based on the said vehicle and that



if the vehicle is kept open and exposed to rain and sun, the value of the vehicle would diminish and that he would abide any condition to be imposed by this court for return of the vehicle.

4. The learned Public Prosecutor would submit that the vehicle in question, which was used during the commission of offence, is required for the purpose of trial and hence, he would strongly oppose for return of the vehicle to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant interim custody of the vehicle in question to the Petitioner on certain conditions. Accordingly, the Criminal Revision Case is allowed, setting aside the impugned the order, dated 30.07.2021 made in CrI.M.P.No. 3934 of 2021 by the learned Judicial Magistrate, Vaniyambadi and the vehicle in question ordered to be returned to the Petitioner on the following conditions:-

a. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties each for a like sum to the satisfaction of concerned Magistrate.

b. The petitioner shall file an affidavit of undertaking that he will not dispose of or alter the vehicle in question and that he will produce the vehicle before the Trial Court as and when required by the Trial Court for trial.

c. the RC book of the vehicle shall be retained by the Trial Court till the disposal of the trial or until further orders.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

msm

To

1.The Judicial Magistrate,
Vaniyambadi, Thirupathur District.

2.The Inspector of Police,
Vaniyambadi Town Police,
Vaniyambadi, Thirupathur District.



3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Vinoth Kumar, Advocate SR.No.68470

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CP(CO)
GN(04/01/2022)

CrI.R.C.No. 997 of 2021