



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.R.C.No.1127 of 2019

Deivasigamani

...Petitioner / Accused

vs.

State rep.

The Inspector of Police,
District Crime Branch,
Coimbatore.

(Crime No.30 of 2018)

...Respondent / Complainant

Prayer : This Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order passed by the learned Judicial Magistrate No.1 Pollachi in C.M.P.No.5063 of 2019 dated 24.07.2019.

For Petitioner : Mr.S.N.Arunkumar
for Mr.M.N.Balakrishnan

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

O R D E R

The present criminal revision has been filed to set aside the order passed by the learned Judicial Magistrate No.1 Pollachi in C.M.P.No.5063 of 2019 dated 24.07.2019.

2. The respondent/police registered a case against the petitioner in Crime No.30 of 2018 for the offence under Sections 409, 418, 420, 197, 198, 120(B), 468 and 417 IPC and during the investigation, the Investigating Officer recovered Hyundai i20 Asta VTVT car bearing Registration No.TN-38-CQ-9469 and also recovered a sum of Rs.1,50,000/- and during the pendency of investigation, the petitioner/A1 has filed a petition under Sections 451 and 457 of Cr.P.C., for interim custody of the recovered vehicle and money. The learned Magistrate by an order dated 24.07.2019, dismissed the petition. Challenging the said order, now the petitioner/A1 has filed the present revision before this Court.



3. Learned counsel for the petitioner would submit that the vehicle seized by the Investigating Officer is no way connected with the offence charged against the petitioner and in fact, the vehicle was purchased much prior to the commission offence alleged by the prosecution and without considering the above fact, the learned Magistrate has dismissed the petition, which warrant interference.

4. Learned Government Advocate (Crl.Side) appearing for the respondent would submit that the vehicle was purchased by the petitioner out of cheated money and therefore it was seized by the Investigating Officer. Hence the learned Government Advocate strictly objected to grant interim custody of the recovered vehicle and cash, he also stated that, if the Vehicle is handed over to the petitioner, there is every chance for the petitioner to change the Engine and Chasis number of the vehicle, which would affect the case of the prosecution.

5. Heard both sides and perused the materials placed on record.

6. Admittedly, the case was registered against the petitioner and others in Crime No.30 of 2018 for the offence under Sections 409, 418, 420, 197, 198, 120(B), 468 and 417 IPC and during the investigation the disputed vehicle bearing registration No.TN-38-CQ-9469 was seized and a sum of Rs.1,50,000/- was recovered. During the investigation, the petitioner/A1 filed a petition for interim custody. During the pendency of the investigation, return of property is a purely discretionary power vested with the learned Magistrate and in this case the learned Magistrate dismissed the petition seeking interim custody of the vehicle. Therefore, this Court cannot interfere with the order of the learned Magistrate, unless any arbitrariness or mala fide found and this Court does not find any perversity in the order passed by the learned Magistrate and there is no merit in the revision and the same is liable to be dismissed.

7. Accordingly, the present criminal revision is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dm



To

1.The Judicial Magistrate No.1,
Pollachi.

2.The Inspector of Police,
District Crime Branch,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.1127 of 2019

MG(CO)
RVM(07/10/2021)