



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 18.02.2021
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

WEB COPY

Crl. R.C.(MD)No.19 of 2021

1.Muthulakshmi

2.Ayyammal

(second petitioner impleaded as per order of
this Court, dated 10.02.2021, in Crl.M.P.(MD)
No.837 of 2021)

.. Petitioners

Vs.

State rep. by,
The Sub-Inspector of Police,
Seithur Police Station,
Virudhunagar District.
(Crime No.268/2016)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 and Section 401 of Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.5983 of 2020, dated 05.01.2021 on the file of the Judicial Magistrate, Rajapalayam, Virudhunagar District and to set aside the same.

For Petitioners

: Mr.T.Veerakumar

For Respondent

: Mrs.S.Bharathi
Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order passed in Cr.M.P.No.5983 of 2020, dated 05.01.2021 on the file of the Judicial Magistrate, Rajapalayam, Virudhunagar District.

2.The vehicle / Tractor bearing Registration No.TN-67-K-3967 and a Trailer bearing Registration No.TN-67-K-4006 were seized by the respondent police in Crime No.268 of 2016. Accused No.4, claiming himself as the owner of the vehicle, filed a petition before the Judicial Magistrate, Rajapalayam and got the property return back in her custody. The Registration Certificate of the vehicle was detained by the Court. The first petitioner claiming herself as the wife of the owner of the property filed a petition in Cr.M.P.No.5983 of 2020, before the Judicial Magistrate, Rajapalayam, for return of the original R.C.Book. That petition was dismissed by the trial Court, on 05.01.2021. Against the impugned order, the petitioner preferred this Criminal Revision.

3. On the side of the petitioners, it is stated that the



first petitioner's father died and the charge against the father of the first petitioner abated and final report was already filed by the respondent police. Since the charge against the first petitioner's father, who was cited as A4 was abated in the case, the R.C. Book for the vehicle may be returned to the petitioners. Copy of the Legal Heir Certificate and the Death Certificate of the first petitioner's father were filed along with the petition and prayed the revision to be allowed.

4. On the side of the respondent, it is stated that totally there are seven accused in the case and 12 material objects were seized from them. If the vehicle is returned to the petitioners, they may not be in a position to produce the same, during the time of trial. The trial relating to other accused is still pending. Only after the completion of the trial, whether the vehicle was used for commission of an offence, can be decided by the Court. If the vehicle was used for commission of an offence, the vehicle may be confiscated to the Government and prayed the petition to be dismissed.

5. It is seen that the petitioners are the legal representatives of the deceased / A4 in the case in C.C.No.451 of 2016 on the file of the Judicial Magistrate, Rajapalayam. It is seen that the vehicle was returned to one Pitchandi, who was A4 in the case. A4 died and charge against A4 abated, but, the involvement of the vehicle can be decided only after trial. There are other accused, who are facing trial.

6. In the above circumstances, the production of the vehicle before the concerned Court is to be ensured. Hence, the concerned Court is directed to dispose of the case and to pass an order regarding the disposal of the property within a period of four months from the date of receipt of a copy of this order.

7. With the above direction, this Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The Judicial Magistrate,
Rajapalayam,
Virudhunagar District.

2.The Sub-Inspector of Police,
Seithur Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai (2c)

Crl. R.C. (MD) No.19 of 2021
18.02.2021

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