



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.02.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.118 of 2021

Balamurugan

... Petitioner/Petitioner

Vs.

State rep. by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
In Crime No.642/2019

... Respondent/Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Criminal Procedure Code, to set aside the order passed by the Judicial Magistrate No.II, Sivakasi, in Crl.M.P.No.1879 of 2020, on 23.03.2020 and to allow this Criminal Revision.

For Petitioner : Mr.M.Jothibasu

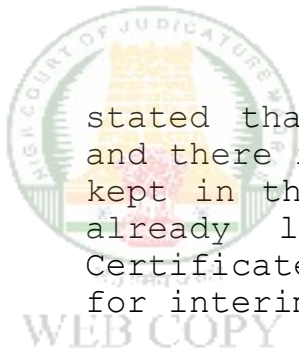
For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the Judicial Magistrate No.II, Sivakasi, in Crl.M.P.No.1879 of 2020, on 23.03.2020 and to allow this Criminal Revision.

2.The vehicle viz., Royal Enfield two wheeler bearing Registration No.TN-84-W-0761 was seized by the respondent police in Crime No.642 of 2019, under sections 147, 148 and 302 I.P.C. The petitioner claiming himself as the owner of the vehicle filed a petition before the Judicial Magistrate No.II, Sivakasi, in Cr.M.P.No.1879 of 2020 for return of the vehicle. That petition was dismissed by the Court. Against which, the petitioner preferred this Revision.

3.On the side of the revision petitioner, it is stated that already committal proceeding was over and the case is taken on file as S.C.No.67 of 2020, on the file of the District and Sessions Court, Srivilliputhur and there is no necessity for the vehicle to be in the custody of the Judicial Magistrate any more. It is further



stated that the petitioner misplaced the Registration Certificate and there is no other person, claiming the property. The vehicle is kept in the open place for the past 1 ¼ year. The petitioner has already lodged a complaint for the missing of Registration Certificate and prayed the vehicle to be returned to the petitioner for interim custody.

4.On the side of the respondent, it is stated that the case against the petitioner is under section 302 I.P.C, wherein, two persons were murdered. There are five previous cases pending against the petitioner and two of the cases are under Section 307 I.P.C. and this case in Crime No.642 of 2019 is for a double murder. If the vehicle is returned to the petitioner for interim custody, the vehicle may be used for the commission of similar offence or other illegal activities. History sheet is maintained against the petition in H.S.No.245/2019. The petitioner has lodged a complaint through on-line, for missing of R.C. just before the date of filing the petition for the return of property and prayed the petition to be dismissed.

5.It is seen that the petitioner has not taken any steps to get a duplicate Registration Certificate from the Regional Transport Office so far. The complaint was lodged by the petitioner only on the day before the filing of the return of the property petition. In the above circumstances, liberty is given to the petitioner to file a fresh petition, on the same cause of action, after getting a duplicate Registration Certificate from the concerned authority.

6.With the above observation, this Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 No.II,
Sivakasi.

2.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.

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

+1 CC to M/s.G.M.LAW OFFICE (SR-7724[F] dated 01/03/2021)

Order made in
Crl. R.C. (MD) No.118 of 2021
26.02.2021

ES (CO)
SRS (12/03/2021) 3P : 5C