



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.08.2021

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Cr1.RC(MD)No.251 of 2021

WEB COPY

Brigh Singh

: Revision Petitioner/Petitioner

Vs.

1.The State of Tamilnadu

Rep. by the Sub Inspector of Police,
Thiruvattar Police Station,
Thiruvattar,
Kanyakumari District.

2.Esther Lawrence

: Respondents/Respondents

(R2 impleaded as per order,
dated 23.06.2021 made in
Cr1.MP(MD)No.3267 of 2021
in Cr1.RC(MD)No.251 of 2021)

Prayer: Criminal Revision filed under section 397 r/w 401 of the Code of the Criminal Procedure, against the order passed in Cr1.MP No.661 of 2021 on the file of the Principal Sessions Judge, Kanyakumari District @ Nagercoil, dated 05.02.2021.

For Petitioner : Mr.C.K.M.Appaji

For 1st Respondent : Mr.RMS.Sethuraman
Government Advocate (Cr1. side)

For 2nd Respondent : Mr.A.Rajkumar Sen

O R D E R

This Criminal Revision is filed against the order passed in Cr1.MP No.661 of 2021 on the file of the Principal Sessions Judge, Kanyakumari District @ Nagercoil, dated 05.02.2021.

2.It is the case of the revision petitioner that he is the owner of the TATA Hitachi, EX70 Excavator bearing Engine No.S070-16210 and he purchased the same from one Esther Lawrence of Mulavilai, on 22.05.2018. On 20.10.2020 at about 5.00 am, the 1st respondent police carried away the said vehicle from the house of the petitioner in connection with a case in Crime No.496 of 2020 along with two tempos. The petitioner being owner of the alleged vehicle, filed a petition in Cr1.MP No.661 of 2021 on the file of the Principal Sessions Judge, Kanyakumari District @ Nagercoil,



seeking interim custody. The learned Judge, by order, dated 05.02.2021 dismissed the petition. Aggrieved over the same, the petitioner is before this court.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. It is the main contention of the petitioner that he is the owner of the alleged vehicle and he purchased the alleged vehicle from one Esther Lawrence, on 22.05.2018 and the 1st respondent police without any sufficient cause, has seized his vehicle and the trial court also without considering the materials on record, has dismissed the petition filed by the petitioner for interim custody.

5. On the other hand, the learned Standing counsel appearing for the 1st respondent/State submitted that the 2nd respondent herein is the owner of the alleged vehicle and the petitioner by creating fraudulent document has claimed the ownership of the alleged vehicle and prays for dismissal of the criminal revision.

6. In this case, the 2nd respondent/petitioner stated that she is the owner of the alleged vehicle. The petitioner herein also stated that he is the owner of the vehicle. On perusal of the records, it reveals that previously, the alleged vehicle belonged to one Esther Lawrence, who is the 2nd respondent herein. Now the revision petitioner stated that he is the owner of the alleged vehicle. But the 2nd respondent stated that she is the owner of the vehicle and the petitioner by creating false documents has claimed the ownership of the vehicle. Under these circumstances, this court is of the view that the trial court has rightly dismissed the petition filed by the petitioner seeking for interim custody.

7. In the result, this Criminal Revision is dismissed.

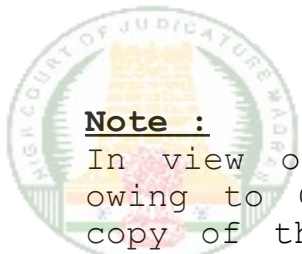
Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Principal Sessions Judge,
Kanyakumari District @ Nagercoil.
- 2.The Sub Inspector of Police,
Thiruvattar Police Station,
Thiruvattar,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Section Officer,Criminal Section,
Madurai Bench of Madras High Court, Madurai.(2 copies)

Crl.RC(MD)No.251 of 2021

10.08.2021

PS (CO)

TR(01.09.2021) 3P 6C