



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13.07.2021

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

Crl.RC(MD)No.353 of 2021

WEB COPY

Anil Kumar (M/49)

: Revision Petitioner/A3

Vs.

State rep. by
The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
(Crime No.1 of 2021)

: Respondent/Complainant

Prayer: Criminal Revision filed under section 397 and 401 of the Code of the Criminal Procedure, against the order passed in CMP No.2780 of 2021, dated 29.03.2021 by the Judicial Magistrate No.1, Kuzhithurai.

For Revision Petitioner: M/s.V.Karthigai Priya
for m/s A. Balakrishnan

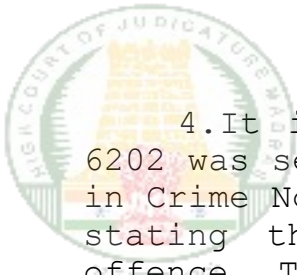
For Respondent : Mr.P.Kottaisamy
Counsel for State Government
(Criminal side)

O R D E R

This Criminal Revision is filed against the order passed in CMP No.2780 of 2021, dated 29.03.2021 by the Judicial Magistrate No.1, Kuzhithurai.

2.The case of the prosecution is that on 02.01.2021 at about 10.00 am, two persons trespassed into the de-facto complainant's house, attacked his mother with wooden log, snatched the chain weighing about 1.5 sovereign and flee away from the spot in the auto KL-01-BZ-6202. In this connection, a case in Crime No.1 of 2021 registered by the respondent police for the offence under section 394 IPC against 4 accused persons. Based on the confession of one Mohammed Shafi, the petitioner's auto was seized by the respondent police, on 02.01.2021 and he was added as 3rd accused in the above case. The seized auto was produced before the Judicial Magistrate No.1, Kuzhithurai, in RP No.104 of 2021. The petitioner filed a petition in Crl.M.P No.2780 of 2021 on the file of the Judicial Magistrate No.1, Kuzhithurai, for interim custody. The said petition was dismissed, on 29.03.2021. 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 seen from the records that the alleged auto KL-01-BZ-6202 was seized by the respondent police in connection with the case in Crime No.1 of 2021. The petitioner was arrayed as A3 in this case stating that he assisted the other accused for committing the offence. The respondent police arrested one Mohammed Shafi and he gave confession and on the basis of the confession, the auto KL-01-BZ-6202 was seized by the respondent police. The petitioner/A3 herein is the owner of the alleged auto and he knowingly used the vehicle for committing the offence. If the alleged auto is handed over to the petitioner as interim custody, no doubt, there is every possibility for him to alter or changing the physical structure of the auto and also doing similar criminal activities.

5.In view of the above circumstance, this court is not inclined to grant any relief to the petitioner and accordingly, this criminal revision petition is **dismissed**.

Sd/-

Assistant Registrar (CS I)

// 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.I, kuzhithurai.

2.The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.

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

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-22757[F] dated 15/07/2021)

Cr1.RC(MD) No.353 of 2021

13.07.2021