



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 22.07.2021

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

Crl.RC(MD)No.432 of 2021

WEB COPY

Pattu Perumal : Petitioner/Petitioner/A6

Vs.

State rep. by
The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
Crime No.359 of 2019

: Respondent/Respondent/Complainant

Prayer: Criminal Revision filed under section 397 r/w 401 of the Code of the Criminal Procedure, against the dismissal order passed by the Judicial Magistrate, Tiruchendur, in Cr.M.P No.1475 of 2020, dated 13.03.2020.

For Revision Petitioner : Mr.D.S.Haroon Rasheed

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

O R D E R

This Criminal Revision is directed against the order passed by the Judicial Magistrate, Tiruchendur, in Cr.M.P No.1475 of 2020, dated 13.03.2020.

2.According to the prosecution, on 24.12.2019 at about 1.00 pm, a cracker sound on the west side of the Forest and found that one cow was lay dead and there is a bullet hole on the neck of the cow and the leg of the cow was tied and some portions of the meat was taken on the legs. In this connection, a case in Crime No.359 of 2019 was registered by the respondent police under section 429 IPC, 25(1)(a) of Arms Act, 1959 and 11(1)(a) of Prevention of the Cruelty of the Animals Act. On 28.01.2020, one Praveenkumar, who is the 2nd accused was arrested and on the basis of his confession, Two wheeler (BAJAJ CT-100) TN-92-C-9526 was seized by the respondent police. The petitioner claiming the owner of the seized Two wheeler (BAJAJ CT-100) TN-92-C-9526, filed a petition in Crl.MP No.1475 of 2020 on the file of the Judicial Magistrate, Tiruchendur, for return of vehicle. The said petition was dismissed by the trial court, on 13.03.2020. Challenging 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 petitioner's vehicle was seized by the respondent police in connection with a case in Crime No.359 of 2019 for the offence under sections 429 IPC, 25(1)(a) of Arms Act, 1959 and 11(1)(a) of Prevention of the Cruelty of the Animals Act. It is also seen from the records that the petitioner and some other accused persons killed one cow by gun shot and they were in possession of Aruval and pistol. The pistol has been seized and sent to Forensic Department and the report is not yet received. Further, in this case, the petitioner is arrayed as A1. In the above circumstances, if the vehicle is handed over to the petitioner as interim custody, no doubt, there is every possibility to alter or change the physical structure of the vehicle and also committing the similar type of criminal activities. This court is of the view that considering the above facts, the trial court has rightly dismissed the petition filed by the petitioner for return of vehicle.

5.In fine, this Criminal Revision fails and the same dismissed.

Sd/-

Assistant Registrar (CS II)

// 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, Tiruchendur.

2.The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.

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