



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2021

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

Crl.R.C(MD)No.491 of 2021

P.Masanam

... Petitioner/Accused

Vs.

State through
The Sub Inspector of Police,
Murappanadu Police Station,
Murappanadu,
Thoothukudi District.

...Respondent/Complainant

Prayer : This Criminal Revision is filed under Section 397 & 401 of Criminal Procedure Code, to call for the records and set aside the order, dated 21.06.2021 passed by the Judicial Magistrate, Srivaikundam in Cr.M.P.No.2266 of 2021 in Crime No.224 of 2019 and return the Tipper 407 Lorry bearing Registration No.TN-74-AT-3948 to the custody of the petitioner.

For Petitioner : Mr.R.M.Suresh
For Respondent : Mr.P.Kottaichamy
Counsel for State Government (Crl.side)

ORDER

This petition is filed to set aside the order passed by the learned Judicial Magistrate, Srivaikundam made in Cr.M.P.No.2266 of 2021, dated 21.06.2021 and return the Tipper 407 Lorry bearing Registration No.TN-74-AT-3948 to the custody of the petitioner.

2.The petitioner claims to be the owner of the TATA TIPPER 407 bearing Registration No.TN-74-AT-3948. According to the petitioner, the alleged vehicle was seized by the respondent police on 05.11.2019 and the respondent police registered the case in Crime No.224 of 2019 for the offence under Section 379 IPC. Seeking return of the said vehicle, the petitioner has approached the learned Judicial Magistrate, Srivaikundam, by way of filing a petition in Cr.M.P.No.2266 of 2021, for interim custody. The learned judge, by order dated 21.06.2021 has closed the same. Challenging



the said order, the petitioner is before this Court with this petition.

3.The learned counsel for the petitioner submitted that learned Judicial Magistrate has failed to ascertain the claim of the petitioner as only an interim arrangement as to the custody of the vehicle and prays for allowing the revision.

4.Mr.P.Kottaichamy, learned counsel for State Government (Crl. side) appearing for the respondent police submitted that the alleged vehicle was seized by the respondent in connection with a case in Cr.No.224 of 2019 for the alleged offence under Section 379 IPC and trial Court has correctly passed the impugned order, which requires no interference by this Court.

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

6.Perusal of the impugned order shows that the trial Court has rightly closed the petition stating that the vehicle was remanded before the Special Court and the trial Court has no subjective jurisdiction. Hence, this court is of the view that the learned Judicial Magistrate has rightly closed the petition filed by the petitioner for release of vehicle. Therefore, it is not necessary to interfere into the orders passed by the trial Court.

7.Accordingly, this Criminal Revision Case is disposed of with liberty to the petitioner to file a petition before the concerned Special Court for the return of the vehicle.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

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,
Srivaikundam, Thoothukudi District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Sub Inspector of Police,
Murappanadu Police Station,
Murappanadu,
Thoothukudi District.

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

Cr1.R.C (MD) No.491 of 2021
30.07.2021

MGJ(25.08.2021) 3P 4C