



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28/09/2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**
Crl.O.P.(MD)No.13616 of 2021

WEB COPY

Safi Mohammed

... Petitioner

Vs.

State through,
Inspector of Police,
Tirunelveli Junction Crime,
Tirunelveli District.
(In Crime No.116 of 2019)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order dated 21.01.2021 passed in Criminal Revision Case No.2 of 2020, on the file of the I Additional District and Sessions Judge, Tirunelveli, confirming the order dated 30.01.2020 passed in Crl.M.P.No.18899 of 2019, on the file of the Judicial Magistrate Court No.IV, Tirunelveli and to handover the custody of the vehicle, chevrolet Enjoy TCDI LS bearing Registration Number TN 59 6852 seized by the respondent herein in Crime No.116 of 2019.

For Petitioner	: MS.P.Jessi Jeeva Priya
For Respondents	: Mr.R.Meenakshi Sundaram Additional Public Prosecutor.

O R D E R

This petition has been filed to set aside the order passed in Crl.R.C.No.2 of 2020, which was filed against Crl.M.P.No.18899 of 2019, on the file of the learned Judicial Magistrate-IV, Tirunelveli. The above said Crl.M.P.No.18899 of 2019 was filed before the trial court, seeking an order of interim custody of the vehicle, Chevrolet Enjoy TCDI LS bearing Registration No.TN-79-05, that came to be dismissed by the trial court on 30.01.2020. Against which, a Criminal Revision has been preferred by the petitioner before the First Additional Session Judge, Tirunelveli in Crl.R.C.No.2 of 2021.

2. The Revision Petitioner has sought for the relief in the above Crl.M.P.No.18899 of 2019 is only to return the registration certificate for the purpose of carrying out the name transfer. But, further in the revision, it has been stated that it is for the return the vehicle. On that ground, the Revision Petition came to be dismissed.



3. The learned counsel for the petitioner would submit that the relief sought for in Crl.M.P.No.18899 of 2021 is for the return of the registration certificate. By mistake, the Revision petition came to be filed seeking return of vehicle. Hence, the matter may be remitted back to the Revisional Court.

4. This Criminal Original Petition stands allowed. The order passed by the First Additional Session Judge in Crl.M.P.No.2 of 2020, is set aside.

5. The matter is remanded back to the Additional District and Sessions Judge, Tirunelveli to dispose the same on merits afresh after considering the facts and circumstances of the case giving notice to the Inspector of Police, Tirunelveli and consider within one month from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

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 Additional District and Sessions Judge, Tirunelveli

2.The Judicial Magistrate No.IV, Tirunelveli.

3. The Inspector of Police,
Tirunelveli Junction Crime, Tirunelveli District.

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

+1 CC to MS.P.JESSI JEEVA PRIYA, Advocate SR.No. 30646

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TP/SKN(17.11.2021) 2P 6C
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