



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 04.01.2021
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.738 of 2020

WEB COPY

Arunachalam

.. Petitioner /Petitioner/owner of the
vehicle

Vs.

The Sub-Inspector of Police,
Perunazhi Police Station,
Ramanathapuram District.
(Crime No.232/2020)

.. Respondent /Respondent/Complainant

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.1443 of 2020 in Crime No.232 of 2020, dated 03.12.2020, on the file of the District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram District and set aside the same.

For Petitioner : Mr.T.Veerakumar

For Respondent : Mrs.S.Bharathi

Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram District, in Cr.M.P.No.1443 of 2020, dated 03.12.2020.

2.The vehicle / Tractor bearing Registration No.TN-32-T-2092, was seized by the respondent police in Crime No.232 of 2020, under Sections 294(b) and 307 I.P.C. The petitioner filed a petition in Cr.M.P.No.1443 of 2020 before the District Munsif cum Judicial Magistrate, Kamuthi for return of the vehicle. That petition was dismissed by the trial Court, on 03.12.2020. Against the same, the petitioner preferred this Criminal Revision.

3. On the side of the petitioner, it is stated that only the complainant and others waylaid the petitioner and they throw stones on the petitioners, due to which, the petitioner lost control over the vehicle and the vehicle/Tractor hit against the two wheeler of the complainant. The vehicle is kept in the custody of the respondent for the past four months, the value of the vehicle is deteriorating due to climatic conditions. The petitioner is in need of the vehicle for his livelihood, due to harvesting season, the Tractor is necessary for agricultural purpose and prayed the vehicle to be returned to the petitioner.

4. On the side of the respondent, it is stated that the revision petitioner is A1 in the case, the offence against the



petitioner is grievous in nature. The offence is attempt to commit murder. The complainant and other two persons got injuries and the complainant got fracture and hence, prayed the petition to be dismissed.

5. It is seen that the offence is grievous in nature. But, if the vehicle is kept in the open place, the value of the vehicle will be deteriorated. Already the vehicle was produced before the trial Court and P.R.No.126/20 was assigned to the vehicle. Hence, this Court is inclined to return the vehicle on the following condition:

6. Accordingly, this Criminal Revision Case is allowed and the order passed by the District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram District, in Cr.M.P.No.1443 of 2020, dated 03.12.2020., is set aside and the vehicle / Tractor is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

(i) The petitioner shall deposit the original Registration Certificate of the vehicle before the District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram District;

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.232 of 2020 on the file of the District Munsif cum Judicial Magistrate, Kamuthi, Ramanathapuram District, within a period of one month from the date of receipt of a copy of this order along with a bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) with two sureties for a like sum;

(iii) The petitioner shall not alienate and shall not make any alterations in the vehicle;

(iv) The petitioner shall produce the vehicle before the Court and before the respondent as and when required, by the Court and by the respondent.

Sd/-

Assistant Registrar (co)

// 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 District Munsif cum Judicial Magistrate,
Kamuthi,
Ramanathapuram District.
- 2.The Sub-Inspector of Police,
Perunazhi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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VB (07.01.2021) 3P 4C