



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.92 of 2022

S.Balamurugan

... Petitioner

Vs.

The State  
Represented by  
The Sub Inspector of Police,  
All Women Police Station,  
Perambalur,  
(Crime No.09 of 2021)

... Respondent

PRAYER: The Criminal Revision Petition is filed under Section 397 read with 401 of the Code of Criminal Procedure, set aside the order dated 03.12.2021 in Crl.M.P.No.1405 of 2021 in R.P.No.7/2021 in Crime No.09 of 2021 on the file of Sessions Judge, Mahila Court, Perambalur and direct the respondent police to return the Splendor Plus self drum cast two wheeler bearing the Registration No.TN 46 AA 0114 to the petitioner.

For Petitioner : Mr.S.Vinoth Kumar

For Respondent : Mr.S.Sugendran  
Additional Government Pleader

O R D E R

(The case has been heard through Video Conferencing)

This Criminal Revision Petition has been filed against the dismissal of the petition seeking for interim custody of the vehicle to the petitioner.

2. Learned counsel for the petitioner would submit that the petitioner is the owner of Splendor Plus Self Drum Cast bearing Registration No.TN 46 AA 0114, Chasis No.MBLHAW117L5K18132, Engine No.HA11EVL5K67138. He would submit that the petitioner was arrested by the respondent in Crime No.9/2021 registered for the offence under section 5(1) read with 6 of POCSO Act and the vehicle was seized and produced before the learned Magistrate 25.08.2021 in R.P.No.7/2021. He would further submit that the petitioner is



a milk vendor and that he was arrested and released on bail. Learned counsel for the petitioner would submit that the vehicle is parked in the open area exposed to vagaries of weather and thereby the value of the vehicle is diminishing day by day. He would further submit that the petitioner is eking his livelihood by supplying milk through his bike and due to the detention of his motor bike, he is in great difficult to do his work. The petitioner has filed Crl.M.P.No.1405/2021 seeking interim custody of his vehicle and the learned Magistrate holding that the vehicle was involved in the offence, had dismissed the petition. He would submit that the petitioner is prepared to produce the necessary documents before the Trial Court to prove his ownership and he is also prepared to abide by any stringent conditions imposed by this court. He would further submit that the petitioner undertakes that he will not dispose the vehicle and that the petitioner is prepared to produce the vehicle before the authorities or before the Court as and when required by them and thereby would seek to set aside the impugned order and direct the release of the vehicle.

3. Mr.S.Sugendran, learned Additional Government Pleader appearing for the respondent would submit that the petitioner had kidnapped a minor girl in his motor cycle and thereby, the vehicle was seized by the respondent. He would further submit that the investigation is pending..

4. Heard the learned counsels and perused the materials available on record.

5. Taking into consideration of the facts and submissions made, the order dated 03.12.2021 in Crl.M.P.No.1405 of 2021 stands set aside and the Criminal Revision Petition stands allowed and the interim custody of the vehicle is directed to be handed over to the petitioner subject to the following conditions:

i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Perambalur and on further conditions that:

ii) The petitioner shall produce the Original RC Book of the vehicle in question before the Trial Court and file an affidavit of undertaking that he will not dispose or alter the physical features of the vehicle and that he will produce the vehicle before the Trial Court as and when required by the Trial Court or the Investigating Agency.

iii) The RC book of the vehicle shall be retained by the Trial Court till the disposal of the trial or until further orders from this Court.



6. It is stated by the learned counsel for the petitioner that the compromise to quash the F.I.R is pending. Hence, in the event of F.I.R being quashed, the trial court is directed to return the original R.C. Book to the petitioner.

WEB COPY

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

Vri/shk

To

1. The Sessions Judge,  
Mahila Court, Perambalur.
2. The Sub Inspector of Police,  
All Women Police Station,  
Perambalur.
3. The Public Prosecutor,  
Madras High Court.

Copy to:

The Section Officer,  
Criminal Section,  
High Court,  
Madras.

Cr1.R.C.No.92 of 2022

PL (CO)  
PR (17/02/2022)