



WEB COPY

Crl.RC.No.407 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2022

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Criminal Revision Case No.407 of 2020

M/s. Raksun Engineering & Erectors,
rep. By Managing Partner,
C.Veera Raghava Reddy,
S/o. Balli Reddy,
No. 7/63-A, Krishna Nagar, Kalamalla,
Yerraguntala, YSR Kadappa,
Andhra Pradesh.

..Petitioner

Vs.

The State represented by its
The Inspector of Police,
PEW Ponneri, Police Station,
Thiruvallur District.
(Crime No. 691 of 2019)

... Respondent

Prayer: Criminal Revision filed under Section 397 r/w 401 of Criminal Procedure Code, praying to call for the records relating to the order passed in Crl.MP.No., 511/2020, dated 13.02.2020 by the Judicial Magistrate, Ponneri and set aside the same and pass such further or other orders.

For Petitioner : Mr.M.Dinesh

For Respondents : Mr. R.Murthi, GA (Crl.side)

**ORDER**

Challenging the order passed by the Judicial Magistrate, Ponneri in Crl.MP.No., 511/2020, dated 13.02.2020 the present revision has been filed.

2. Brief of the case is that the respondent police had registered a case against the petitioner in Crime No. 691 of 19 for offences u/s. 4(i)(a) TNP Act and seized his car bearing Reregistration No. APJ04 BU 8889(Honda WR-V-1.5 VX Mt (I-DETCH). During investigation, the petitioner has filed a petition before the trial Court viz., Judicial Magistrate No.I, Ponneri for return of vehicle, invoking Sections 451 and 457 Crpc and the said petition was dismissed by the trial Court. Aggrieved by the same, the present revision is filed.

3. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the investigation is still pending and during pendency of investigation, the vehicle was brought for public auction by initiating confiscation proceedings from 25.02.2022 to 28.02.2022. The petitioner himself had participated in the said auction bid his vehicle. The



learned Government Advocate (Crl.side) has also produced a copy of the proceedings dated 28.02.2022 issued by the Additional Superintendent of Police, Tiruvallur Distret.

4. Considering the facts and circumstances of the case and also the settled proposition of law that during investigation, considering the petition for return of vehicle which is purely discretionary power of the Court, this Court does not find any malafide in the order passed by the learned Judicial Magistrate, Ponneri in Crl.MP.No. 511 of 2020, dated 13.02.2020 and accordingly, present criminal revision is liable to be dismissed.

5. In the result, the present criminal revision is dismissed.

13.12.2022

Index : Yes/No

Internet : Yes

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To

The Inspector of Police,
PEW Ponneri, Police Station,
Thiruvallur District.

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P.VELMURUGAN,J.

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