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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.RC.No.570 of 2022

A.Anuradha

...Petitioner

Vs.

1.State Rep by: The Sub Inspector of Police,
H2 Guduvancheri Police Station,
Cr.No231 of 2021

2.Deputy Superintendent of Police,
CBCID,
Organised Crime Unit,
Chennai.

...Respondents

PRAYER: Criminal Revision Case filed under Sections 397 & 401 of Cr.P.C. to set aside the order passed by the learned Judicial Magistrate No.II, Chengalpattu in Crl.MP.No.7429 of 2021 dated 29.09.2021 and to grant permission to the petitioner to sell the property i.e. Range Rover vehicle bearing registration No.TN 02 BD 9944.

Party in-Person Petitioner: M/s.A.Anuradha (party in person)

For Respondents

For R1 & 2

: Mr.Leonard Arul Joseph Selvam,
Government Advocate(crl.side)

ORDER

The present criminal revision has been filed praying to set aside the order dated 29.09.2021 passed in Crl.MP.No.7429 of 2021 on the file of the learned Judicial Magistrate No.II, Chengalpet and to allow the petitioner to sell the Range Rover vehicle bearing registration No. TN 02 BD 9944.

2. The case of the petitioner is that on 27.03.2021, she lodged a complaint before the first respondent police alleging that one Sekar S/o.Sengalvarayan, who is her husband, stolen away her car bearing registration No.TN 02 BD 9944. The first respondent police after receipt of the complaint given by the petitioner, registered a case in crime No.231 of 2021 under Sections 294(b), 506(i) and 379 of IPC. Later, during



the time of investigation, the above said car was recovered and produced before the learned Judicial Magistrate and later, on the application filed by the petitioner, the car was handed over to the petitioner for interim custody.

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3. Only in the said occasion, the petitioner filed a petition before the learned Judicial Magistrate No.II, Chengalpet in CMP.No.7429 of 2021, wherein he prayed permission to sell the petition mentioned car. The learned Judicial Magistrate, Chengalpet, after elaborate enquiry, came to the conclusion that if the permission for selling the property was given to the petitioner, it would not be possible to mark the same as material object before the trial court and ultimately declined to entertain the petition filed by the petitioner. Challenging the said impugned order, the petitioner is before this Court.

4. Heard the petitioner (party in person) and learned Government Advocate (crl.side) appearing for the respondent police.

5. According to the case of the prosecution, the petition mentioned car is a stolen property. Therefore, in order to prove the case of the prosecution, it would be necessary for the prosecution to mark the said car as a material object before the trial court. If the car is not marked as material object, it would not be possible to the prosecution to prove the offence as petitioner committed an offence of the theft which is punishable under Section 379 of IPC. In otherwise, as of now the petition mentioned F.I.R. has been still pending for investigation. Therefore, in the said circumstances, I am of the opinion that the impugned order passed by the court below is within the law and therefore, this revision is liable to be dismissed.

6. Accordingly, this criminal revision is dismissed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The learned Judicial Magistrate No.II,
Chengalpattu.

2.The Sub Inspector of Police,
H2 Guduvancheri Police Station,
Cr.No.231 of 2021.



3.The Deputy Superintendent of Police,
CBCID,
Organised Crime Unit,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.A.Anuradha, Advocate SR. No. 30766

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MT (CO)
PR (13/05/2022)