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Crl.R.C.No.780 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.780 of 2022

Thirumoorthy Aandavar Finance,
Represented by its Owner A.R.Ragulkumar

... Petitioner

Versus

1. State by the
Inspector of Police,
Kaniyur Police Station,
Tiruppur District.
(Cr.No.71 of 2021).

2.Kulaindhaivel

... Respondents

Prayer: Criminal Revision Case filed under Section 397 and 401 of Cr.P.C., against the order dated 28.03.2022 made in C.M.P.No.865 of 2021 on the file of the learned District Munsif cum Judicial Magistrate, Madathukulam refusing to deliver the interim custody of the vehicle alleged to have involved in the above said crime number for the offence under Sections 302, 308 and 201 IPC.

For Petitioner : Mr.D.R.Arun Kumar

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

ORDER

This revision is filed aggrieved by the order of the learned District



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Munsif cum Judicial Magistrate, Madathukulam dated 28.03.2022 made in C.M.P.No.865 of 2021, whereby the application filed by the hire purchase owner/financier for return of the vehicle has been rejected.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents.

3. The trial Court rejected the prayer on the ground that the vehicle was actually used for transporting the dead bodies. It may be so, however, vehicle cannot be permitted to rot and go wasted. I have considered the rival submissions made on either side and perused the material records of the case. I am of the view that this is a fit case where the interim custody of the vehicle can be entrusted to the hire purchase owner.

4. Since the vehicle is said to have used for transporting the dead bodies if any further investigation including photograph of the vehicle has to be required, the same may be done before the return of vehicle.



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5. The petitioner is the lawful hire purchase owner / financier of the vehicle, I am inclined to order release of the vehicle with the following terms:-

(i) The order of the learned District Munsif cum Judicial Magistrate, Madathukulam in C.M.P.No.865 of 2021, dated 28.03.2022, is set aside.

(ii) The petitioner will be entitled for return of the Mahindra pickup vehicle bearing Registration No.TN 43 C 0285 having Chassis No.MA1ZN2GGA81C21651, Engine No.GG81C35395.

(iii) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Judge, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

(iv) The petitioner shall not alter or alienate the vehicle in any manner till adjudication is over;

(v) The petitioner is not entitled to auction or sell the vehicle and the petitioner shall use the vehicle only for the commercial or their official use and to maintain the vehicle in the same condition so that it



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can be produced before the trial Court during trial. The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the 1st respondent police and by the court below and as well as by the District Collector of the District or authorized officer in that behalf by the Government.

(vi) The petitioner shall participate in the confiscation proceedings, if any, initiated and shall produce the vehicle before the confiscation authority. This order is subject to the confiscation proceedings.

6. The Criminal Revision Case is allowed accordingly.

24.06.2022

Index : Yes / No

Speaking/Non-speaking order

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To

1. The District Munsif cum Judicial Magistrate,
Madathukulam.
2. The Inspector of Police,
Kaniyur Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.,

ssn

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