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Crl.R.C.No.995 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.995 of 2022

Mohammed Shakir

... Petitioner

Versus

The Inspector of Police,
Anna nagar Police Station,
Chennai District.
(Crime No.197 of 2022)

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Code of Criminal Procedure, to call for the records in Crl.M.P.No.13928 of 2022, dated 29.06.2022, on the file of the V-Metropolitan Magistrate, Egmore and set aside the same and grant interim custody of vehicle bearing registration No.TN-05-BP-1543.

For Petitioner : Mr.C.Iyyapparaj

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



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ORDER

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This Criminal Revision is filed aggrieved by the order of the V-Metropolitan Magistrate Egmore, Chennai dated 29.06.2022 in Cr.I.M.P. No.139 of 2022 in and by which the prayer of the petitioner for return of the case property being a car bearing registration no. TN-05-BP-1543 was refused.

2.The Learned Magistrate rejected the prayer of the petitioner on the ground that, if the car is handed over to him, there is a chance to erase the evidence, and further, he would submit that the petitioner has been committing the same offence by using the car.

3.The Learned Counsel appearing on behalf of the petitioner would submit that the said finding of the Learned Magistrate that the petitioner is committing the same offence is not factually correct. The petitioner is not an accused in this case and in any other case and prays for allowing this revision.

4.As far as the contention regarding erasing the evidence is concerned, the Learned Government Advocate (Criminal side) as per



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direction of this Court, has verified the Engine number, Chassis number, and also Registration particulars including registration certificate, etc., and submitted that all the particulars furnished by the petitioner are correct. He also produced a copy of the vehicle details and the same is taken on record.

5.Now the vehicle number and other particulars are available with the respondent/Police and there is no chance for the petitioner to erase the evidence. Further, this apprehension can be overcome by properly noting down the vehicle Engine number, Chassis number, and features of the car along with the relevant photographs and by imposing conditions that the petitioner will not alter or in any manner tamper with the case property. In that view, the revision is allowed on the following terms:-

(i) The order of the V-Metropolitan Magistrate, Egmore, Chennai, dated 29.06.2022 in Cr.I.M.P. No.13928 of 2022 is set aside;

(ii) The Petitioner is entitled to return of vehicle bearing registration No.TN-05-BP-1543, on the following conditions:

(a) Before the return of the vehicle, the necessary formalities of noting down the proper registration number, Engine number, and Chassis number can be carried out and the photographs of the vehicle can also be taken and such other particulars of the car can be gathered from the



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petitioner, and the vehicle shall be returned to him.

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(b) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Magistrate, 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;

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

(d) 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 respondent 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.

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

(f) The petitioner shall not indulge in a similar offence either by using the present vehicle or any other vehicle. If the petitioner is found to be involved in any of similar offence in future either by way using the present vehicle or through any other vehicle, this order of returning the



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present vehicle (Maruthi Dzire VDI BS IV Car (SEDAN), P.A. White colour, bearing registration No.TN-05-BP-1543,), shall stand automatically vacated, and this vehicle will be again seized by the respondent/police and produce before the Court concerned.

02.09.2022

Index : yes/no
Speaking/Non-speaking order

klt

To

- 1.The V-Metropolitan Magistrate, Egmore.
- 2.The Public Prosecutor, High Court of Madras.
- 3.The Inspector of Police, Anna nagar Police Station, Chennai District.



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D.BHARATHA CHAKRAVARTHY, J.

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