



Crl.R.C.No.1070 of 2022

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D.BHARATHA CHAKRAVARTHY, J.

This matter is posted under the caption "for being mentioned". The learned Counsel for the petitioner brought to the notice of this Court about the error in paragraph No.3(iii) of the order, in which, it was mentioned as "the learned Magistrate" instead of "the learned Principal District and Sessions Judge, Perambalur".

2. Accordingly, Registry is directed to replace the word "the learned Magistrate" found in paragraph No.3(iii) with "the learned Principal District and Sessions Judge, Perambalur".

27.10.2022

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Note:-

Registry is directed to issue fresh order copy.



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.1070 of 2022

V.Logambal

.. Petitioner

Vs

State Rep.by the Inspector of Police

Kunnam Police Station.

Crime No.273 of 2019

.. Respondent

Prayer: Criminal Revision Case filed under Section 397 read with 401 Code of Criminal Procedure, to set aside the order dated 11.07.2022 made in C.M.P.No.1408 of 2022 and vehicle TATA Sumo Victaex bearing Registration No.TN-61-C-4197, Chasis No.MAT446246C9F29468, Engine No.483DL56FXY707216 by allowing the Criminal Revision.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.S.Vinoth Kumar

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Government Advocate (Crl.side)

ORDER

This Criminal Revision is filed aggrieved by the order of the learned Principal District and Sessions Judge, Perambalur, dated 11.07.2022 in Crl.M.P.No.1408 of 2022 in and by which the prayer for interim custody of the vehicle being TATA Sumo Victaex bearing Registration No.TN-61-C-4197, is refused by the Trial Court.

2. The allegation is that the said vehicle was used for the commission of offence of murder. The vehicle was seized in the year 2019. The petitioner is the lawful owner of the vehicle and the mother of the accused. However, since the vehicle is already seized and produced for photographs and etc, which may be relevant for the trial, may be taken and the vehicle may be ordered to be returned to the original owner as otherwise, the vehicle would rot and get wasted.

3. In that view of the matter, the revision is allowed and the petitioner is entitled for the release of the above said vehicle on the following conditions:-



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(i) The order dated 11.07.2022 in Crl.M.P.No.1408 of 2022 on the file of the learned Principal District and Sessions Judge, Perambalur, is set aside;

(ii) The petitioner will be entitled for return of the TATA Sumo Victaex bearing Registration No.TN-61-C-4197, Chasis No.MAT446246C9F29468, Engine No.483DL56FXY707216;

(iii) 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;

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



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(v) 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;

(vii) 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;

(viii) The petitioner shall not indulge in the 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 present vehicle (TATA Sumo Victaex bearing Registration No.TN-61-C-4197, Chasis No.MAT446246C9F29468, Engine No.483DL56FXY707216),



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shall stand automatically vacated, and this vehicle will be again seized by the respondent/police and produce before the Court concerned;

(ix) The Trial Court, before releasing the vehicle can take such photographs and mark such records as may be necessary for the purpose of Trial.

4. Accordingly, the Criminal Revision Case is allowed.

05.08.2022

Index : yes/no
Speaking/Non-speaking order

drm

To

1. The Principal District and Sessions Court, Perambalur.
2. The Public Prosecutor, High Court of Madras.
3. The Inspector of Police
Kunnam Police Station.
Crime No.273 of 2019.



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