



Crl.R.C.No.1153 of 2022

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D.BHARATHA CHAKRAVARTHY, J.

Today, when this matter is listed under the caption “being mentioned”, the learned Counsel for the petitioner has submitted that the petitioner's name is Chatara Ram, S/o.Viramma Ram. However the name is wrongly mentioned in the cause title. It is correctly mentioned in the lower Court judgment. It is wrongly mentioned in the petition, which is carried out in the order and prays for correction. Since the name was correctly mentioned before the Trial Court, the said correction has to be made.

2. Learned Counsel has also brought to the notice of this Court that the vehicle bearing registration number is though correctly mentioned in the first paragraph, the same is wrongly described in the paragraph No.5(vii). Accordingly, registry is directed to remove the line “(a lorry, bearing Registration no.TN-91-Y-9261)” and replace the same as “(a Maruthi Swift Car, bearing Registration no.TN-43-D-7069)”. Registry is directed to carry out these two corrections and issue fresh copy to the parties concerned and the rest of the order shall be remained intact.

30.09.2022

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Note:-

***Registry is directed to make
necessary corrections and issue***



fresh order copy

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30.09.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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K.Chata Ram

... Petitioner

Versus

State rep. by
The Inspector of Police,
Uthukottai Police Station,
Thiruvallur District.

... Respondent

Prayer : Criminal Revision Case filed under Section 397 & 401 of the Code of Criminal Procedure, pleased to set aside the order passed in M.P.No.865 of 2022 in Crime No.540 of 2021 on the file of the respondent/police and to direct the court below to Return the Property in Crime No.540 of 2021 on the file of the respondent/police.

For Petitioner : Mr.M.P.Saravanan

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

ORDER

The Criminal Revision Case is filed against the order of the learned District Munsif cum Judicial Magistrate, Uthukottai dated 22.07.2022 in C.M.P.No.865 of 2022 in Crime No.540 of 2021, in and by which the prayer



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of the petitioner for interim custody of the vehicle bearing Registration No.TN-43-D-7069 rejected by the trial Court.

2. The trial Court rejected the prayer of the petitioner on the ground that except for the seller signature in the form No.29 & 30, nothing else is produced before the trial Court to prove the ownership of the petitioner.

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner had purchased the vehicle and he is yet to carryout the name transfer.

4. In that view of the matter, since there is no rival claim, it cannot be held that the ownership is in dispute. But, however, the flaws expressed by the trial Court can be overcome by imposing appropriate conditions.

5. In that view of the matter, the petitioner is entitled for the interim custody of the vehicle and this Criminal Revision is disposed of on the following terms:-



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i) The order of the learned District Munsif cum Judicial Magistrate,

Uthukottai dated 22.07.2022 in C.M.P.No.865 of 2022 is set aside.

(ii) The petitioner will be entitled for return of vehicle, bearing Registration No.TN-43-D-7069.

(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 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



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by the Government.

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(vi) 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 the confiscation proceedings.

(vii) 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 (a lorry, bearing Registration No.TN-91-Y-9261), shall stand automatically vacated, and this vehicle will be again seized by the respondent/police and produce before the Court concerned;

(viii) The trial Court and the respondent police shall make such endeavor including taking of picture, etc, which may be necessary for trial before the trial Court;

(ix) Within one month from the date of return of the vehicle, the



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petitioner shall take such steps to transfer the Registration certificate in his name and produce the copy of the same before the trial Court. In the event of failing to do so, it would result in the automatic vacation of this order granting interim custody of the vehicle and the respondent will be entitled to take custody of the vehicle once again.

6. Accordingly, this Criminal Revision Case stands disposed of with the above observations.

22.08.2022

Index : Yes/No

Speaking order/Non-speaking order

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To

1. The Inspector of Police,
Uthukottai Police Station,
Thiruvallur District.
2. The Public Prosecutor,
High Court of Madras.

D.BHARATHA CHAKRAVARTHY., J.



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