



Crl.O.P.No.23682 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.No.23682 of 2022

Renganathan

... Petitioner

Vs.

The Inspector of Police,
Perambalur Police Station,
Perambalur District.
(Crime No.746 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to allow the criminal original petition and set aside the order dated 22.11.2021 passed in Crl.R.C.No.7 of 2021 by the learned Principal District and Sessions Judge, Perambalur as well as the order dated 07.09.2021 passed in Crl.M.P.No.1904 of 2021 by the learned Judicial Magistrate No.I, Perambalur.

For Petitioner : Mr.M. Vijaya Ragavan

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



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ORDER

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This Criminal Original Petition has been filed to allow the criminal original petition and set aside the order dated 22.11.2021 passed in Crl.R.C.No.7 of 2021 by the learned Principal District and Sessions Judge, Perambalur as well as the order dated 07.09.2021 passed in Crl.M.P.No.1904 of 2021 by the learned Judicial Magistrate No.I, Perambalur.

2. The learned counsel appearing for the petitioner submitted that the vehicle was seized by the respondent police in connection with a case registered in Crime No.746 of 2019 on the file of the respondent for offences punishable under Section 147, 148, 392, 397, 420, 506(ii) and 120B of IPC. The petitioner approached the trial Court by filing an application before the learned Judicial Magistrate No.I, Perambalur in Crl.M.P.No.1904 of 2021 for returning the vehicle four wheeler Bolero bearing Registration No. TN 46 V 5999 for interim custody and the same was rejected by the trial Court on the ground that the vehicle was involved in another Crime No. 2 of 2019 on the file of the Inspector of Police, District Crime Branch, Perambalur, in which the petitioner had obtained interim custody. Since the vehicle was involved in



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an offence for the second time, Crl.M.P.No.1904 of 2021 was rejected by the trial Court. Aggrieved by the order, the petitioner has filed a revision petition before the learned Principal District and Session Judge, Perambalur in Crl.R.C.No.7 of 2021. The Revision Court confirmed the order of the trial Court and dismissed the petition by its order dated 22.11.2021 which is now under challenge. The learned counsel for the petitioner further submitted that he is ready to give any security and without his knowledge the vehicle was used by his driver and the petitioner did not know about the involvement of the vehicle in both crimes. Therefore ignorantly his driver misused the petitioner's vehicle and hence vehicle may be returned and pleaded to set aside the order passed in Crl.R.C.No.7 of 2021 dated 22.11.2021 passed by the learned Principal District and Session Judge, Perambalur.

3. The learned Government Advocate (Crl.side) submitted that the vehicle admittedly involved in Crime No.2 of 2019 on the file of the Inspector of Police, District Crime Branch, Perambalur. Hence he objected and pleaded to dismiss the petition.



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4. Heard both sides and perused the materials available on record.

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5. On a perusal of the records, the fact reveals that the petitioner's vehicle Bolero L.M.V. Car bearing Registration No. TN46 V 5999 was seized by the respondent police in connection with a case registered in Crime No.746 of 2019 for the offences punishable under Section 147, 148, 392, 397, 420, 506(ii) and 120B of IPC. Hence the petitioner filed an application before the Judicial Magistrate I, Perambalur in CMP.No.1904 of 2021 for interim custody and the learned Magistrate by its order dated 07.09.2021 dismissed the petition on the ground that the vehicle was involved in Crime No.2 of 2019 on the file of District Crime Branch, Perambalur and the R.C. book was produced in that case. Aggrieved by the order the petitioner had filed Criminal Revision No.7 of 2021 before the Principal District and Sessions Judge, Perambalur. The order of the trial Court was confirmed by the Revision court by its order dated 22.11.2021 on the ground that the vehicle has been involved in another case in Crime No.2 of 2019. The offence involved is of very serious in nature and that this vehicle involved in the same type of crime for the second time, under these circumstances the Revision Court as well as the



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trial Court rejected the claim of the petitioner for interim custody. Therefore, I find no merits in the order passed by the revision Court and hence the criminal original petition is dismissed.

29.09.2022

Internet: Yes
Index: Yes/No
dpq

To:

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



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V. SIVAGNANAM, J.

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