



Crl.R.C.(MD) No.548 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

Crl.R.C.(MD)No.548 of 2022

D.Muthupandi

... Petitioner/Petitioner

Vs.

The State rep.by
The Inspector of Police,
Sholavandhan Police Station,
Madurai District.
(Crime No.112 of 2021)

...Respondent/Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records relating to the impugned order passed in Cr.M.P.No.1847 of 2022, in Crime No.112 of 2021, dated 20.05.2022 on the file of the learned Judicial Magistrate, Vadipatti and set aside the same.

For Petitioner : Mr.Karuppaiah, V.

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



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ORDER

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This Criminal Revision Petition is directed against the order passed in Cr.M.P.No.1847 of 2022, dated 20.05.2022 by the learned Judicial Magistrate, Vadipatti, dismissing the application filed under Section 451 Cr.P.C.

2.The petitioner claims to be the owner of the two wheeler bearing Registration No.TN-64-M-5639, which involved in Crime No.112 of 2021 for the offences under Sections 147, 323, 366, 448 IPC and hence, the same was seized by the respondent Police.

3.The learned counsel for the petitioner would submit that the petitioner's vehicle never involved in any illegal activity and the respondent police without verifying the same has foisted the above false case. He would further submit that the petitioner is using the said vehicle for his own purpose for daily activities.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioner is not having any previous case.



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5.It is not in dispute that the FIR came to be registered in Crime No.112 of 2021 on the file of the respondent Police for the alleged offence under Sections 147, 323, 366, 448 IPC. Admittedly, the petitioner is not an accused in the above case. The learned Magistrate by observing that the alleged offences are serious in nature and that the investigation is pending, dismissed the petition.

6.It is seen from the records that the vehicle was seized on 11.04.2021 and the same was remanded in RPR.No.172 of 2021 on the file of the Court of the Judicial Magistrate, Vadipatti.

7.Considering the facts and circumstances of the case and also the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 20.05.2022 passed in Cr.M.P.No.1847 of 2022, by the learned Judicial Magistrate, Vadipatti.



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8. Accordingly, the Criminal Revision is allowed. The learned Judicial Magistrate, Vadipatti is directed to release the vehicle of the petitioner forthwith on the following conditions:

- *that the petitioner is directed to execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only), with two sureties each for like sum to the satisfaction of the learned Judicial Magistrate , Vadipatti,*
- *that the petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judicial Magistrate , Vadipatti,*
- *that the petitioner shall not alienate and shall not make any alteration in the vehicle;*
- *that the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;*

27.06.2022

Index : Yes/No
Internet : Yes/No
das



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To:-

- 1.The Judicial Magistrate, Vadipatti.
- 2.The Inspector of Police,
Sholavandhan Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
Crl.R.C.(MD)No.548 of 2022

27.06.2022