



Crl.R.C.(MD) No.692 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.08.2022**

CORAM:

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

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S.Lakshmanan

... Petitioner/Petitioner/Owner

Vs.

The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
(Crime No.146 of 2019)

... Respondent/Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order passed in Cr.M.P.No.208 of 2022 on the file of the learned Judicial Magistrate, Pattukottai dated 04.03.2022 in connection with Crime No.523 of 2021 on the file of the respondent police and set aside the same as illegal and consequently, direct the respondent police to produce the petitioner's two wheeler bearing Registration No.TN-49-CZ-8249 before the learned Judicial Magistrate, Pattukottai and handed over the same to the petitioner.



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

ORDER

This Criminal Revision Petition is directed against the order passed in Cr.M.P.No.208 of 2022 dated 04.03.2022 on the file of the learned Judicial Magistrate, Pattukottai, dismissing the petition filed under Sections 451 and 457 of Cr.P.C., for returning of the vehicle.

2.The petitioner claims to be the owner of the Honda Unicorn Motor Bike bearing Registration No.TN-49-CZ-8249. On 29.09.2021, the respondent seized the vehicle viz., Honda Unicorn Motor Bike bearing Registration No.TN-49-CZ-8249 and registered a case in Crime No.523 of 2021 for the alleged offences under Section 25(1-A) of Arms Act and the property was produced before the learned Judicial Magistrate, Pattukottai, in C.P.No.294 of 2021 on 29.09.2021.



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3.The petitioner has filed a petition under Sections 451 and 457 of Cr.P.C., seeking return of the vehicle and the learned Judicial Magistrate has dismissed the application. Challenging the dismissal order, the above Criminal Revision came to be filed before this Court.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

5.The learned Government Advocate (Criminal Side) would submit that the petitioner is having one murder case and that the petitioner's vehicle was not involved in any other previous cases. He would further submit that investigation has already been completed and they are going to file charge sheet shortly.

6.The learned counsel for the petitioner would submit that the vehicle bearing Registration No.TN-49-CZ-8249 is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that if the vehicle is kept in open place, the value of the said vehicle will get deteriorated and that therefore interim custody may be granted to the petitioner.



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7.Considering the above 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 and that the vehicle in dispute was not involved in any other cases, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 04.03.2022 passed in Cr.M.P.No.208 of 2022, by the learned Judicial Magistrate, Pattukottai.

8.Accordingly, this Criminal Revision Petition is allowed and the order dated 04.03.2022 in Cr.M.P.No.208 of 2022 on the file of the learned Judicial Magistrate, Pattukottai, is hereby set aside and the learned Judicial Magistrate, Pattukottai, is directed to release the vehicle of the petitioner forthwith on the following conditions:-

- (a) the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** as non-refundable for the vehicle to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code:



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- (b) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Pattukottai;
- (c) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Pattukottai;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (e) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

17.08.2022

Index : Yes/No
Internet : Yes/No
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To:-

1. The Judicial Magistrate, Pattukottai.
2. The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR, J.

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**ORDER MADE IN
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