



Crl.R.C.(MD) No.872 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVA**

Crl.R.C.(MD)No.872 of 2022

Thangeswaran

... Revision Petitioner/Petitioner

Vs.

The State Rep. by
Sub-Inspector of Police,
Kadayam Police Station,
Tenkasi District.
(In Crime No.177 of 2022)

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records and set aside the order passed by the Judicial Magistrate Court, Ambasamudram in Crl.M.P.No.2660 of 2022 on 12.07.2022.

For Petitioner : Mr.M.Jothi Basu

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



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ORDER

This Criminal Revision Case has been filed as against the dismissal order that has been passed by the learned Judicial Magistrate Court, Ambasamudram in Crl.M.P.No.2660 of 2022 dated 12.07.2022.

2.The petitioner claims to be the owner of the Lorry bearing Registration No.TN-75-A-7651.On the date of occurrence, the respondent police found that two lorries were having same registration number and so a case was registered in Crime No.177 of 2022 for the offence under Sections 420, 482 of IPC r/w Section 206 of Motor Vehicles Act, 1988.

3.The petitioner has approached the learned Judicial Magistrate Court, Ambasanydranm for returning of lorry in Crl.M.P.No.2660 of 2022 and the learned Judicial Magistrate by observing that the respondent police intercepted two Lorries and found that they have similar registration number, has dismissed the petition dated 12.07.2022.



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4. During the course of enquiry, it was found that the petitioner is the owner of one vehicle and the petitioner was arrayed as accused in Crime No.177 of 2022 and in respect of the other vehicle, the accused has not been arrested so far.

5.The learned counsel counsel for the petitioner submitted that the petitioner is the owner of vehicle and he has also produced RC Book before this Court.

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

7.No purpose will be served by keeping the vehicle under custody, till the arrest of the accused person in the above said case. Accordingly, this Criminal Revision Petition is allowed and the order dated 12.07.2022 in Cr.M.P.No.2660 of 2022 in Crime No.177 of 2022 on the file of the Judicial Magistrate Court, Ambasamudram, is hereby set aside and the Judicial Magistrate is directed to release the vehicle of the petitioner on the following conditions:-



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- (a) The trial Court shall return the vehicle to the petitioner after verifying original Registration Certificate of the vehicle. The same may be retained.
- (b) the petitioner is directed to deposit a sum of Rs.50,000/-(Rupees Fifty Thousand only) to the credit of Crime No.177 of 2020 before the Judicial Magistrate Court, Ambasamudram, within a period of two weeks from the date of receipt of copy of this order.
- (c) the petitioner shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only), with two sureties for a like sum to the satisfaction of the Judicial Magistrate Court, Ambasamudram.
- (d) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;.

15.09.2022

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

1. The Sub-Inspector of Police,
Kadayam Police Station,
Tenkasi District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER MADE IN
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