



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.02.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.668 of 2021

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... Petitioner/ Petitioner

Vs.

The State represented by
The Inspector of Police,
Vallam Police Station,
Thanjavur District.

... Respondent/ Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to order in Cr.M.P No.1705 of 2020 passed by the Judicial Magistrate Court No.II, Thanjavur, dated 10.12.2020 and to set aside the same.

For Petitioner : Mr.A.Arunprasad

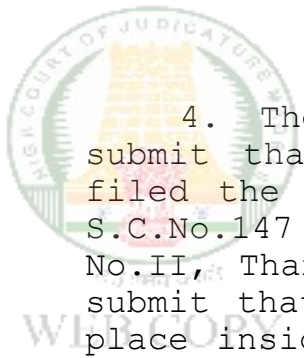
For Respondent : Mr.M.Aasha
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Petition has been filed challenging the order passed by the learned Judicial Magistrate Court No.II, Thanjavur, in Cr.M.P No.1705 of 2020 on 10.12.2020, thereby dismissing the petition filed by the petitioner for return of vehicle, namely, Maruthi Vetara Brezza Car bearing Registration No.TN-49-BQ-3646.

2.The petitioner is the first accused in Crime No.811 of 2020 registered by the respondent for the offences under Sections 302, 147, 148, 109, 120(b), 341, 34 and 342 IPC. There are totally six accused, in which the petitioner is arraigned as first accused. The deceased is none other than her own husband. Thereafter, the car and other materials were seized from the first petitioner and produced before the learned Judicial Magistrate No.2, Thanjavur, in Crime No.811 of 2020. While pending investigation, the petitioner filed a petition for return of the car and the same was dismissed for the reasons that investigation is pending.

3. The learned Government Advocate (Criminal Side), on instructions, submitted that if the car has been returned to the petitioner, there is a chance for altering the vehicle and mortgage the same.



4. The learned counsel appearing for the petitioner would submit that the investigation was completed and the respondent filed the final report and the same has been taken cognizance in S.C.No.147 of 2021 on the file of the learned Magistrate Court No.II, Thanjavur and it is pending for trial. Further, he would submit that there is no evidence to show that the occurrence took place inside the car. The said car was purchased through finance and she is paying monthly installment and she has two daughters and the vehicle is the only source for her livelihood.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Considering the above facts and circumstances, this Court is inclined to return the vehicle on the following conditions:

(i) The petitioner is directed to execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Magistrate Court No.II, Thanjavur, within a period of four weeks from the date of receipt of a copy of this order;

(ii) The petitioner shall surrender the original Registration Certificate of the vehicle before the learned Magistrate Court No.II, Thanjavur;

(iii) The petitioner shall not alienate and shall not make any alteration in the vehicle;

(iv) If any of the aforesaid conditions are violated, this order automatically stands cancelled.

(v) As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and he shall cooperate with the enquiry to be conducted by the respondents.

7. With the above observations, the impugned order made in Cr.M.P No.1705 of 2020, dated 10.12.2020, is set aside and this Criminal Revision Case is allowed.

Sd/-

Deputy Registrar (A/Cs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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To:-

1.The Inspector of Police,
Vallam Police Station,
Thanjavur District.

2.The Judicial Magistrate Court No.II,
Thanjavur

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.R.C.(MD)No.668 of 2021
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RD(07.03.2022) 3P 4C