

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2022

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.R.C.(MD)No.882 of 2022

SKB Metals and Block Pvt., Ltd.,
rep., by its Director,
S.V.Binoy

... Petitioner/Petitioner

Vs.

The State rep., by
The Inspector of Police,
Panakudi Police Station,
Tirunelveli District.
(Crime No.246 of 2022)

... Respondent/Respondent

Prayer: Criminal Revision Case is filed under section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order passed in Crl.M.P.No.3338 of 2022 by the Judicial Magistrate Court, Valliyoor, dated 08.07.2022 and order interim custody of the Ashok Leyland Tipper Lorry bearing Registration No.KL 74 B 4001 seized by the respondent on 30.06.2022 in connection with Crime No.246 of 2022 to the petitioner.

For Petitioner : Mr.S.Krishna Kumar
For Respondent : Mr.S.Manikandan
Government Advocate (Crl.side)

ORDER

This revision has been filed to set aside the impugned order passed in Crl.M.P.No.3338 of 2022 by the learned Judicial Magistrate, Valliyoor,

dated 08.07.2022 and order interim custody of the Ashok Leyland Tipper Lorry bearing Registration No.KL 74 B 4001 seized by the respondent on 30.06.2022 in connection with Crime No.246 of 2022 to the petitioner.

2.Heard the learned counsel on either side.

3.The impugned order has been passed on the ground that the property was not remanded to the Court. The respondent also present before this Court and stated that so far the property has not been remanded. Even though the property has not been remanded, the trial Court can issue a direction to the respondent minimum to produce the vehicle, but the trial Court chose to dismiss the petition stating that the property has not been remanded.

4.The learned Judicial Magistrate, Valliyoor, is directed to issue a memo to the respondent police to produce the vehicle. On producing the vehicle, the petitioner may revive the application seeking for interim custody of the vehicle and the same may be entertained and disposed of on its own merits by trial Court.

5.With the aforesaid direction, the Criminal Revision Case is disposed of.

19.09.2022

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

Rmk

To

1.The Judicial Magistrate, Valliyoor.

2. The Inspector of Police,
Panakudi Police Station,
Tirunelveli District.

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

Crl.R.C(MD).No.882 of 2022

G.ILANGO VAN,J.

Rmk

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