



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD) No.824 of 2021

Subramanian

... Petitioner

Vs.

1.The State,

Represented by the Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
(Crime No.94 of 2021).

2.Nimisha

... Respondents

(R-2 impleaded as per order dated 19.11.2021 made in Crl.M.P.(MD).
No.9971 of 2021 in Crl.R.C.(MD).No.824 of 2021)

PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C. praying to call for the records of the learned Judicial Magistrate Court No.III, Tirunelveli in Cr.M.P. No.7630 of 2021 dated 08.09.2021 and to set aside the same and consequently direct the learned Judicial Magistrate Court No.III, Tirunelveli to grant interim custody of vehicle, P.A white colour Maruti Swift Car bearing Registration No.TN 22 BE 2063 to the petitioner.

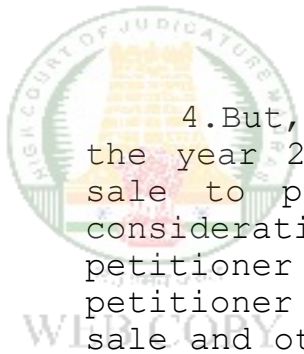
For Petitioner	: Mr.V.M.Jegadeeshapandian
For R-1	: Mr.K.Sanjay Gandhi
	Government Advocate (Crl.Side)
For R-2	: Unserved

ORDER

This Criminal Revision Case is filed challenging the order passed by the learned Judicial Magistrate No.III, Tirunelveli in Cr.M.P. No.7630 of 2021, dated 08.09.2021 and to set aside the same and to direct the learned Judicial Magistrate No.III, Tirunelveli to grant interim custody of the vehicle, P.A white colour Maruti Swift Car bearing Registration No.TN 22 BE 2063 to the petitioner.

2.The petitioner is an accused in Crime No.94 of 2021 registered for the offences under Section 147, 148, 294(b), 109, 302, 307, 506(2) and 120(B) of IPC. The P.A white colour Maruti Swift Car vehicle bearing Registration No.TN 22 BE 2063 was seized from the custody of the petitioner and deposited before the learned Judicial Magistrate No.III, Tirunelveli.

3.While pending the investigation, the petitioner filed petition under Section 451 of Cr.P.C for return of the vehicle. However, it was dismissed on the ground that the petitioner is not the owner of the vehicle and the vehicle stands in the name of one Nimisha.



4. But, learned counsel for the petitioner submitted that, in the year 2019 itself, the petitioner entered into an agreement of sale to purchase the said four wheeler vehicle for valid sale consideration and he also paid the entire amount. However, the petitioner failed to transfer the ownership in his name. The petitioner is ready and willing to produce the original agreement of sale and other relevant documents such as transfer of ownership form etc., before the Court below.

5. Considering the above facts and circumstances, the impugned order passed by the learned Judicial Magistrate No.III, Tirunelveli, in Cr.M.P. No.7630 of 2021, dated 08.09.2021, is set aside and the matter is remanded back to the learned Judicial Magistrate No.III, Tirunelveli, for fresh disposal. The learned Judicial Magistrate No.III, Tirunelveli, is directed to issue notice to the petitioner and also to the counter parties, if any and after giving fair opportunity of hearing to all the parties, pass orders on merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Judicial Magistrate No.III,
Tirunelveli.
2. The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.R.C. (MD) No.824 of 2021

16.02.2022

RS (26.02.2022) 2P 4C

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