



Crl.R.C.(MD).No.1003 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.1003 of 2022

Balakumar

.. Petitioner/Petitioner

Vs.

The State rep. by
The Inspector of Police,
Mandaiyur Police Station,
Pudukottai District.
(Crime No.97 of 2021)

.. Respondent/Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order, dated 22.08.2022 made in Cr.M.P.No.54 of 2022 on the file of the learned Sessions Judge, Mahila Court, Pudukottai and set aside the order and direct the respondent herein to grant the interim custody of the vehicle viz., Pulsar bearing Registration No.TN 55 BU 1558, which has been seized by the respondent herein in Crime No.97 of 2021.

For Petitioner : Mr.K.M.Karunakaran

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



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ORDER

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This revision Petition has been filed seeking to set aside the order of dismissal that has been passed by learned Sessions Judge, Mahila Court, Pudukottai, in Cr.M.P.No.54 of 2022, which was filed by the petitioner seeking return of vehicle viz., Pulsar bearing Registration No.TN 55 BU 1558, which was remanded by the respondent police in connection with the Crime No.97 of 2021.

2.The case of the prosecution is that by using the above said vehicle only the victim girl was kidnapped by the petitioner. The above said petition was dismissed by the trial Court on the ground that the petitioner would alter and change the property and he has also not produced the R.C.Book.

3.The learned counsel for the petitioner submitted that the petitioner is ready to produce the original R.C.Book before the concerned Court. So far as alteration is concerned, he is ready to file an affidavit before the concerned Court.



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4.The learned Government Advocate (Crl. Side) would submit that there is no dispute with regard to the ownership of the property. He would further submit that considering the allegation that has been made with regard to the above said property, now P.W.1 and P.W.2 have been examined before the trial Court.

5.In view of the submissions made on either side, this Court is inclined to entertain this petition.

6.Accordingly, this Criminal Revision Case is allowed and the order, dated 22.08.2022 made in Cr.M.P.No.54 of 2022 on the file of the learned Sessions Judge, Mahila Court, Pudukottai, is hereby set aside. The vehicle is ordered to be returned to the petitioner by following proper procedure. The petitioner shall produce the original R.C.Book and undertaking affidavit to the effect that he will not alter or change the vehicle. The petitioner shall execute a bond to the satisfaction of the concerned Court to be fixed of its own discretion.

19.10.2022

Index : Yes / No
Internet : Yes / No
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To
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- 1.The Inspector of Police,
Mandaiyur Police Station,
Pudukottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAN,J.

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