



Crl.R.C.(MD).No.1057 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

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INDOSTAR Capital Finance Ltd.,
Represented through its Branch Manager,
M.Suresh Kumar,
S/o.S.Murugesan,
6-33/251,A-Keezoor Temple,
Tirupathissaram, Kanniyakumari District. ... Petitioner

Vs.

1.The State rep. by the
Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
(Crime No.113 of 2022) ... Respondent/Complainant

2.A.Muthukumar ... Respondent/Legal heir of the
owner of the vehicle

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records in Cr.M.P.No.3771 of 2022 on the file of Learned Principal Sessions Judge, Thoothukudi, Thoothukudi District, and set aside the order dated 16.8.2022 and handover the custody of vehicle viz. TATA Bense Lorry, Bearing Reg.No.TN 72 BL 8731 (remanded in P.R.No.415 of 2022, which has been seized by the 1st



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respondent herein in Crime No.113 of 2022.

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For Petitioner : Mr.R.Ilayaraja

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

ORDER

This criminal revision petition has been filed against the order passed in Cr.M.P.No.3771 of 2022 on the file of Learned Principal Sessions Judge, Thoothukudi, Thoothukudi District, and set aside the order dated 16.8.2022 and handover the custody of vehicle viz. TATA Bense Lorry, Bearing Reg.No.TN 72 BL 8731.

2.When the matter is taken up for hearing the learned Government Advocate (Crl. Side) would submit that common order has been passed by the trial Court allowing the application filed by the legal heir of the owner of the vehicle and dismissing the application filed by this petitioner. The petitioner has not challenged the order of return of vehicle and he has only challenged the dismissal order alone. Therefore, this petition is not maintainable.



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3.The learned counsel for the petitioner seeks permission of this Court to withdraw this petition with liberty to challenge the common order passed in both the Cr.M.Ps.

4.In view of the submission made by the learned counsel for the petitioner, this criminal revision case is dismissed as withdrawn with liberty to the petitioner to workout his remedy through appropriate proceedings.

07.11.2022

Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Principal Sessions Judge, Thoothukudi.
- 2.The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA,N,J.

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