



Crl.R.C.(MD)No.1091 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2022

CORAM:

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.R.C.(MD)No.1091 of 2022

Sivasubramanian

... Petitioner

Vs

The Inspector of Police,
Natham Police Station,
Dindigul District. Crime No.316/2022.

... Respondent

Prayer: This Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to call for records and set aside the order dated 28.10.2022 made in CrI.M.P.No. 1397 of 2022, on the file of the District Munsif Cum Judicial Magistrate, Natham, in Crime No.316 of 2022, on the file of the respondent Police.

For Petitioner : Mr.S.Mohan Raj

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor



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ORDER

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Challenging the dismissal order, dated 28.10.2022, in Crl.M.P.No. 1397 of 2022, passed by the District Munsif Cum Judicial Magistrate, Natham, this Criminal Revision Case has been filed by the revision petitioner.

2.The vehicle bearing registration No.TN 63 H 1641 was involved in Crime No.316 of 2022, on the file of respondent Police and a case was registered against the accused/revision petitioner. The trial Court has dismissed the petition on the ground that the petitioner has not proved the ownership of the property, on the date of the alleged occurrence.

3.It is submitted on the side of revision petitioner that though the original owner is Ponnazhagi, there was an agreement between the revision petitioner and said Ponnazhagi on 09.08.2022, by which, the above said vehicle was sold to the revision petitioner, on the day itself. They also executed Form Nos.29, 30 and other relevant documents. Before the conclusion of the transfer proceedings, the alleged vehicle involved in the above said occurrence on 14.09.2022. There is no rival claim of ownership from the erstwhile owner.



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4. In view of the above, this Court is inclined to allow this revision.

5. Accordingly, this Criminal Revision Case is allowed and the order, dated 28.10.2022, in Crl.M.P.No.1397 of 2022, passed by the District Munsif Cum Judicial Magistrate, Natham, is hereby set aside and directed to return the vehicle to the revision petitioner on the following conditions:

- 1. The petitioner shall produce the original document of sale and an undertaking affidavit to the effect that he will not alter or change the properties of vehicle;*
- 2. The petitioner shall execute a bond to the satisfaction of the concerned Court to be fixed on its own discretion;*
- 3. The petitioner shall produce the vehicle before the respondent and the trial Court as and when required;*
- 4. If any of the above conditions are violated, this order will automatically stand cancelled.*

14.11.2022

Index :Yes/No
Internet:yes/No
PNM



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To

- 1.The Inspector of Police,
Natham Police Station,
Dindigul District. Crime No.316/2022.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

PNM

ORDER IN

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