



Crl.R.C.(MD)No.1123 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2022

CORAM:

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.R.C.(MD)No.1123 of 2022

S.V.Binoy

... Petitioner

Vs

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

... Respondent

Prayer: This Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to call for the records and set aside the order in Crl.MP.No.6396/2022 passed by the Judicial Magistrate, Valliyoor, on 19.10.2022 and order interim custody of the Ashok Leyland Tipper Lorry bearing registration No. KL 74 B 4001, seized by the Respondent may be granted.

For Petitioner : Mr.S.Krishna Kumar

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor



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ORDER

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Challenging the dismissal order, dated 19.10.2022, in Crl.M.P.No. 6396 of 2022, passed by the learned Judicial Magistrate, Valliyoor, this Criminal Revision Case has been filed by the revision petitioner.

2.The vehicle bearing Registration No.KL 74 B 4001 was involved in Crime No.246 of 2022, on the file of respondent Police and in this regard, a case was also registered. The trial Court has dismissed the petition, which was filed by the revision petitioner, under Section 451 Cr.P.C, for return of vehicle. Challenging the same, this revision has been preferred by the revision petitioner.

3.Today, when the matter is taken up for hearing, the revision petitioner would submit that he is not arrayed as an accused in the FIR and to show his *bonafide*, he is ready to file an undertaking affidavit to the effect that he will ensure that in future, the alleged vehicle will not be involved in any illegal activities.



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4. On the side of the respondent, it is stated that neither the revision petitioner nor his vehicle is involved in any crime.

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

6. Accordingly, this Criminal Revision Case is allowed and the order, dated 19.10.2022, in Crl.M.P.No.6396 of 2022, passed by the learned Judicial Magistrate, Valliyoor, 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 R.C. Book of the vehicle and directed to give an undertaking affidavit before the learned Judicial Magistrate, Valliyoor, to the effect that he will not alter or change the properties of vehicle and he will ensure that in future, the alleged vehicle will not be involved in any illegal activities.*
- 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;*



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4. *If any of the above conditions are violated, this order will stand automatically cancelled.*

23.11.2022

Index :Yes/No
Internet:Yes/No
PNM

To
The Inspector of Police,
Panakudi Police Station,
Tirunelveli District. (Crime No.246/2022).

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



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G.ILANGOVA, J.

PNM

ORDER IN

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