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Crl.R.C.No.193 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.193 of 2020

Maripriyan

... Petitioner

Versus

The Station House Officer,
Nellikuppam Police Station,
Cuddalore,
Crime No.378 of 2019.

... Respondent

Criminal Revision Case filed under Section 397 and 401 Criminal Procedure Code, to set aside the order dated 06.01.2020 made in Crl.M.P.No.2360 of 2019 in Crime No.378 of 2019 on the file of the learned Judicial Magistrate No.I (FAC) Cuddalore.

For Petitioner	:	No appearance
For Respondent	:	Mr.R.Murthi Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been filed against the order dated 06.01.2020 passed in Crl.M.P.No.2360 of 2019 by the learned Judicial Magistrate No.I (FAC) Cuddalore.



2.It is the case of the petitioner that the respondent police registered a case in Crime No.378 of 2019 against the petitioner for the offence under Sections 465 and 468 IPC and seized the vehicle viz., Maruti Ertiga VXi Car, Registration No.TN-06-H-0075. Pending investigation, the petitioner filed a petition under Section 451 Cr.P.C in Crl.M.P.No.2360 of 2019 seeking interim custody of the vehicle before the learned Judicial Magistrate No.I, Cuddalore. The learned Magistrate by an order, dated 06.01.2020 dismissed the petition, against which, the present Criminal Revision Case is filed before this Court.

3.The case of the prosecution is that on 24.07.2019 at about 20.30 hrs., when the respondent/police were in the patrol duty near Nellikuppam Bus Stand, a vehicle viz., Maruti Ertiga VXi Car, Registration No.TN-06-H-0075 came in a rash and negligent manner and when the respondent/police attempted to stop the vehicle, the driver of the vehicle, drove the car more rashly and before causing accident, he was caught hold by the respondent/police. Thereafter, on enquiry, it was found that the Registration number mentioned in the R.C. Book and number mentioned in the number plate fixed in the vehicle are not one and the same. Hence, the vehicle was



subjected to Motor Vehicle Inspection and as per the report of the Motor Vehicle Inspector, Panruti, the number plate fixed in the vehicle is a forged one. Hence, in order to enquire owner of the vehicle, a case in Crime No.378 of 2019 was registered against the petitioner who is the owner of the vehicle.

4.According to the petitioner, he is the owner of the vehicle and he is in no way connected with the alleged offence. Therefore, he seeks interim custody of the said vehicle.

5.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that investigation has not yet been completed and charge sheet has also not been filed and hence, the vehicle in question cannot be released at this stage.

6. It is seen that the case was registered in the year 2019, so far, investigation has not yet been completed and charge sheet also not yet been filed. The release of the vehicle during investigation is purely the discretionary power of the Court. In the case on hand, it is seen that the respondent/Police is prolonging the investigation.



7. Therefore when the matter was taken up for hearing on 04.01.2023, this Court directed the respondent/Police to take the photographs of the said vehicle and present before this Court on 05.01.2023.

8. Today, when the matter is taken up for hearing, the prosecution produced the photographs of the vehicle in question. On perusal of the photographs, it is seen that the said vehicle is kept in the open space. Naturally, if the vehicle is left idle in the open space, thereby, the condition of the vehicle would get deteriorated and the value of the vehicle would be lost. Therefore, no purpose would be served to keep the vehicle idle in the police station or Court in an open space.

9. Considering the facts and circumstances, this Court finds that the prosecution has not taken any steps to complete the investigation and file a charge sheet and therefore, no purpose would be served to keep the vehicle idle in the police station or Court in the open space.

10. In view of the above, this Criminal Revision Case is allowed by setting aside the order dated 06.01.2020 passed by the learned Judicial Magistrate No.I, Cuddalore in Crl.M.P.No.2360 of 2019.

11. The learned Judicial Magistrate No.I, Cuddalore is directed to



release the vehicle viz., Maruti Ertiga VXI Car, Registration No.TN-06-H-0075, to the petitioner, on the following conditions:-

(i)The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Magistrate, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

(ii)The petitioner shall not alter or alienate the vehicle in any manner till confiscation proceedings is over;

(iii) The petitioner is directed to furnish valuable security i.e. equivalent to the value of the vehicle before the Court below, on such production, the vehicle shall be returned;

(iv)The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent or the Court below as well as by the District Collector of the District or authorized officer in that behalf by the Government;

(v)The petitioner shall participate in the confiscation proceedings, if



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any initiated, and shall produce the vehicle, before the confiscation authority.

This order is subjected to the confiscation proceedings.

(vi) The learned Magistrate is directed to note down the Registration number, Chasis number and Engine number and also take necessary photographs and keep the same on file.

05.01.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation Case : Yes/No
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To

- 1.The Judicial Magistrate No.I (FAC)
Cuddalore.
- 2.The The Station House Officer,
Nellikuppam Police Station,
Cuddalore.
- 3.The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J.

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