



Crl.R.C.No.1242 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.1242 of 2023

Chhaganaram

... Petitioner

Vs.

The State Rep. by
the Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
Crime No.186/2022

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code, to set aside the order, dated 30.08.2022 made in Crl.M.P.No.2656 of 2022 in Crime No.186/2022 on the file of the Judicial Magistrate No.II, Krishnagiri.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)



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ORDER

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Challenging the orders dated 30.08.2022 passed in Crl.M.P.No.2656 of 2022 by the learned Judicial Magistrate No.II, Krishnagiri, the present Criminal Revision is filed.

2. The revision petitioner filed Crl.M.P.No.2656 of 2022 under Sections 451 r/w. 457 of Cr.P.C., praying to return the Car bearing Registration No.KA-51-MN-3226 which was seized in connection with Crime No.186/2022 of Krishnagiri Taluk Police Station, Krishnagiri for the offences punishable under Sections 273 I.P.C, Sections 7 & 20 (1) of Cigarette and other Tobacco Products Act, 2003 and Sections 58 and 59 of Food and Standards Act, 2006. The learned Trial Court Judge dismissed the petition after considering the rival submissions on the following grounds:

- i. the vehicle that was seized by the Police is bearing Registration No.KA-23-MN-3156 and the instant petition is filed for return of the vehicle bearing Reg.No.KA-51-MN-3226;



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- ii. Though the petitioner was given sufficient opportunity to substantiate his contention that the vehicle bearing Reg.No.KA-51-MN-3226 was actually seized by the respondent Police, he did not produce any acceptable evidence;
- iii. The prosecution had specifically contended that the vehicle which was seized, did not contain the Engine Number and Chassis Number and the same were erased by the accused;

Aggrieved over the said order of dismissal, the petitioner has filed this present revision.

3. Mr.P.M.Jayachandran, learned counsel for the petitioner contended that the Police after seizing vehicle bearing Registration No.KA-51-MN-3226 had changed the number plate as KA-23-MN-3156. His further contention is that he is not an accused in Crime No.186/2022 of Krishnagiri Police Station, Krishnagiri and that the vehicle should be returned to him.



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4. Per contra, Mr.R.Vinothraja, learned Government Advocate (Crl. side) contended that the vehicle that was seized by the Police is bearing Registration No.KA-23-MN-3156 and that the contention of the learned counsel for the revision petitioner that the Police changed the number plate is totally false. His further contention is that though the Trial Court has given sufficient opportunity, the present petitioner did not adduce any acceptable evidence to show that the vehicle seized by the Police is actually the petitioner's vehicle bearing Reg.No.KA-51-MN-3226.

5. It is seen from the records that the petitioner's vehicle bearing Reg.No.KA-51-MN-3226 is having Engine No.WTK4E14099 and Chassis No.MA1YU2WTUK6F10351 and the seized vehicle does not contain any Engine Number and Chassis Number and the same were erased. The contention of the revision petitioner that the Police had changed the number plate after seizing the vehicle, cannot be accepted since he did not adduce any evidence in this regard. When the seized vehicle does not contain the Engine Number and Chassis Number, the



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return of the vehicle to the present revision petitioner at this stage, cannot be entertained. Only after concluding the trial, the learned Magistrate can pass appropriate orders with regard to the disposal of the property. In this circumstance, the present Criminal Revision is dismissed as devoid of merits.

02.08.2023

Index: Yes/No
Speaking/Non-Speaking order
vum

To

- 1.The Judicial Magistrate No.II,
Krishnagiri
- 2.The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.



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R. HEMALATHA, J.

vum

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