



Crl.R.C.No.1045 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.RC.No.1045 of 2023

Stigil Jose

... Petitioner

Vs.

State rep by its the Sub Inspector of Police,
Guduvancherry Police Station.
Chengalpet District.
Crime No.135 of 2023

... Respondent

PRAYER: Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, 1973 to set aside the Order passed in Crl.M.P.No.3292 of 2023 on the file of the learned Judicial Magistrate No.II, Chengalpet dated 10.05.2023 and set aside the same.

For Petitioner : Mr.C.Jagadesan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)



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ORDER

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Challenging the order passed by the learned Judicial Magistrate No.II, Chengalpet dated 10.05.2023 made in Crl.M.P.No.3292 of 2023, the present Criminal Revision Case has been filed.

2. The learned counsel for the petitioner submitted that the RC book of the Toyota Fortuner Car stands in the name of the petitioner. He further submitted that though the respondent police registered a case against the accused persons in Crime No.135 of 2023 for the offence under sections 420, 506[1] of IPC read with 34 of IPC, his car was stolen and thereafter, the number plate of his car was changed. Hence, seeks to set aside the impugned Order and return the vehicle to the petitioner.

3. The learned Government Advocate [Criminal Side] for the respondent submitted that the petitioner is the owner of the vehicle and he along with other accused changed the number plate of the car from KL 40W 4004 to TN 04 AJ 7707 and sold the vehicle to the defacto complainant through an agent Mani



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and Riyaz and after delivery of the vehicle, all of a sudden, near Guduvancherry fish market, the petitioner along with other accused restrained the defacto complainant and threatened him and took the car from the defacto complainant. On the complaint given by the defacto complainant, a case has been registered and after arresting the accused, the fact revealed that the petitioner colluded with other accused, changed the number plate of the car and sold the car to the defacto complainant and after delivery of the car, the petitioner, along with other accused threatened the defacto complainant and took back the car. Under these circumstances, the offences is centered upon the car. Hence, the custody cannot be given to the petitioner.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate [Criminal Side] appearing for the respondent and I have perused the materials on record.

5. A perusal of the impugned Order and the First Information Report it is noticed that the petitioner is the owner of the vehicle and he along with other



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accused changed the number plate of the car from KL 40W 4004 to TN 04 AJ 7707 and sold the vehicle to the defacto complainant through an agent Mani and Riyaz and after delivery of the vehicle to the defacto complainant, all of a sudden, near Guduvancherry fish market, the petitioner along with other accused restrained the defacto complainant and threatened him and had taken the car from the defacto complainant. Thereafter, on the complaint given by the defacto complainant, the respondent police registered a case against the accused persons in Crime No.135 of 2023 for the offence under sections 420, 506[1] of IPC read with 34 of IPC. Under these circumstances, I find no reason to interfere with the impugned Order and there is no infirmity in the impugned Order and there is no merits in this revision petition.

6. Accordingly, this Criminal Revision Case is dismissed.

21.06.2023

Index: Yes/No

Internet: Yes/No

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- To**
1. The Judicial Magistrate No.II,
Chengalpet.
 2. The Sub Inspector of Police,
Guduvancherry Police Station.
Chengalpet District.
 3. The Public Prosecutor, Madras High Court.



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V.SIVAGNANAM, J.,

VTC

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