



CRL.R.C.No.1174 of 2023

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R.HEMALATHA, J.

Criminal Revision Petition No. 1174 of 2023 is disposed of on 11.07.2023 and it is posted today for “being spoken to” at the instance of the learned counsel for the petitioner.

2. The learned counsel appearing for the revision petition represented that L&T Komatsu PC 200 sign link Hitachi was transported in a lorry bearing Registration No.KA04-C-787 and that the said vehicle was not at all registered. Hence he prayed this court to modify the first condition in paragraph No.6 of the order in CrlR.C. No.1174 of 2023, wherein this court has directed the petitioner to prove his ownership of the vehicle by producing the R.C. Book and other relevant records.

3. Since the revision petition states that L&T Komatsu PC 200 sign link Hitachi has not been registered, the first condition in paragraph No.6 of the order in CRL.R.C.No.1174 of 2023, is modified as follows:

"6..... i) The petitioner shall prove his ownership of the vehicle by producing the invoice and other relevant records;"



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R.HEMALATHA, J.

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4. The Registry is directed to carry out the above said correction and
issue fresh order copy.

26.07.2023

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CRL.R.C.No.1174 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

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

Crl.R.C.No.1174 of 2023

Sennappan

... Petitioner

Vs.

The Inspector of Police,
Deevattipatti Police Station,
Salem District.
(Cr.No.216/ 2023)

2.Anbu

3.Krishnan

... Respondents

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the order dated 26.04.2023 made in Crl.MP.No.1610 of 2023 on the file of the Judicial Magistrate, Omalur and consequently direct the respondent police to return the petitioner vehicle L&T 200 sign link.

For Petitioner : Mr.J.Pradeep.

For Respondent : Mr.J.Subbiah, GA (Crl. Side) for R1.

Mr.M.Vinoth for R2 and R3.



ORDER

The petition is directed against the order dated 26.04.2023 passed by the Judicial Magistrate, Omalur in CrI.MP.No.1610 of 2023 in Cr.No.216 of 2023 registered by the Inspector of Police, Deevattipatti Police Station, Salem District. The said application was filed by the revision petitioner under Section 451 and 457 Cr.PC to return the vehicle i.e, L&T Komatsu PC 200 sign link Hitachi bearing Registration No.KA04-C-787. The learned Judicial Magistrate by an order dated 26.04.2023, dismissed the said application on the ground that the present revision petitioner did not adduce any documentary evidence to substantiate that he is the owner of the vehicle.

2. Per contra, the learned counsel for the respondents 2 and 3 contended that the vehicle belonged to them and the police had seized the vehicle from them on the allegations made by the present revision petitioner. According to him, two First Information Reports were registered one on the basis of the complaint given by the revision petitioner and another on the complaint preferred by the respondents 2 and 3.

3. The trial Court had held that since the ownership of the vehicle



has not been proved by the present revision petitioner, the vehicle cannot be returned to him.

4. The learned counsel for the revision petitioner contended that now the revision petitioner is in possession of all the relevant documents and that he would be able to prove his ownership before the concerned Court.

5. The learned counsel for the respondents 2 and 3 also contended that he is also ready to prove the ownership of the vehicle before the concerned Court.

6. Considering the facts and circumstances of the case, this Court is inclined to allow the criminal revision petition by setting aside the order dated 26.04.2023 passed by the Judicial Magistrate, Omalur in CrI.MP.No.1610 of 2023 in Cr.No.216 of 2023 registered by the Inspector of Police, Deevattipatti Police Station, Salem District. This Court directs the trial Court to hand over the custody of the vehicle either to the present petitioner or to the respondents 2 and 3, after due enquiry on the following conditions, of course after receiving appropriate petitions in this regard from them.

- i) the petitioner shall prove his ownership of the vehicle by producing the R.C.Book and other relevant records;
- ii) the petitioner shall execute a bond for a sum of Rs.1,00,000/-



(Rupees One Lakh Only) before the trial Court.

iii) the Court may prepare a panchanama in Judicial Form No.82 with regard to the vehicle bearing registration No.KA04-C-787 and such panchanama can be used in evidence.

iv) the petitioner shall take photograph of the vehicle bearing registration No.KA04-C-787 and certified under Section 65B of the Central Act 1 of 1972 and such photographs may be used as secondary evidence.

v) the petitioner shall not alienate or encumber the vehicle in any manner;

vi) the petitioner shall give an undertaking that she will not use the vehicle for any illegal activities in future,

vii) the petitioner shall also produce the vehicle as and when required before the court below or before the respondent police.

No costs.

11.07.2023

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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To

- 1.The Judicial Magistrate, Omalur.
- 2.The Inspector of Police, Deevattipatti Police Station, Salem.
- 3.The Section Officer, Criminal Section, High Court, Madras.

R. HEMALATHA, J.

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Crl.R.C.No.1174 of 2023

11.07.2023



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