



Crl.R.C.No.1215 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

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

Crl.R.C.No.1215 of 2023

S.Priyadharshini

... Petitioner

Vs.

Inspector of Police,
Peelamedu Police Station,
Coimbatore.
(Cr.No.233/2023)

... Respondent

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code to call for the records in Crl.MP.No.18368 of 2023 on the file of the learned Judicial Magistrate No.II, Coimbatore and set aside the order dated 06.06.2023.

For Petitioner : Mrs.R.Angalaparameswari

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

ORDER

The petitioner / 3rd party has filed the present revision petition against the order passed by the learned Judicial Magistrate No.II, Coimbatore in CMP.No.18368 of 2023 in Crime No.233 of 2023, E2 Peelamedu Police Station, Coimbatore.



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2. The case of the prosecution is that the accused was found transporting gravel in a Tipper lorry bearing Registration No.TN38-AT-2944 and was arrested by the Inspector of Police, E2 Peelamedu Police Station, Coimbatore. FIR in Cr.No.233 of 2023 was registered and the above said vehicle was also seized. The petitioner who is the owner of the vehicle filed a petition under Section 457 r/w.451 Cr.PC before the trial Court seeking return of the vehicle. The learned Judicial Magistrate No.II, Coimbatore dismissed the said application on the ground that since the vehicle was involved in the commission of an offence under Mines and Minerals Act, the same cannot be returned to the present petitioner.

3. Heard Mrs.R.Angalaparameswari, the learned counsel appearing for the revision petitioner and Mr.J.Subbiah, Government Advocate (Crl.side).



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4. The learned counsel for the petitioner contended that the petitioner is not involved in the commission of offence and that he is a 3rd party. She had further contended that if the vehicle is kept idle in open space in the police station, the value of the vehicle will get diminished over a period of time and therefore, the vehicle may be returned to her.

5. The Inspector of Police, E2 Peelamedu Police Station, Coimbatore filed a counter wherein it is stated that investigation is still pending and hence, the petition may be dismissed.

6. It is seen from the counter affidavit that the Inspector of Police, E2 Pelamedu Police Station, Coimbatore had registered the FIR against the accused for an offence under Section 379 IPC in Cr.No.233 of 2023 and it is stated that the present petitioner is the owner of the vehicle and her name is not indicated in the FIR.



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7. Considering the facts and circumstances of the case and also the fact, the present petitioner is not an accused in this case, the vehicle may be returned to the petitioner on the following conditions :

- i. The petitioner shall prove her ownership of the vehicle before the trial Court.
- ii. The petitioner is directed to deposit the original RC book of the vehicle before the trial Court.
- iii. The petitioner shall execute a bond for a sum of Rs.1,00,000/- before the trial Court.
- iv. The petitioner shall not alter or alienate the vehicle in any manner or whatsoever.
- v. The petitioner shall not change the colour of the vehicle.
- vi. The petitioner should produce the vehicle as and when required by the trial Court or by the Inspector of Police, Peelamedu Police Station, Coimbatore.
- vii. The trial Court is directed to take photographs of the vehicle and keep it in the case bundle.



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8. With the above directions, the present Criminal Revision Petition is allowed, by setting aside the order passed by the learned Judicial Magistrate No.II, Coimbatore in CMP.No.18368 of 2023 in Cr.No.233 of 2023 dated 06.06.2023. No costs.

10.07.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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To

1.The Judicial Magistrate No.II, Coimbatore

2.Inspector of Police, Peelamedu Police Station, Coimbatore.



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R. HEMALATHA, J.
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