



Crl.R.C.No.1458 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.R.C.No.1458 of 2023

A.Revathi

... Petitioner

Vs.

State by Inspector of Police,
T-6, Avadi Police Station,
Chennai.
(Crime No.840/2022)

... Respondent

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code to set aside the orders dated 09.01.2023 in Crl.M.P.No.6309/2022 on the file of the learned Judicial Magistrate No.II, Poonamallee and modify the condition Nos.2 and 4.

For Petitioner : Mr.R.Rajesh

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

ORDER

Challenge in this revision is made to the orders dated 09.01.2023 in Crl.M.P.No.6309/2022 on the file of the learned Judicial Magistrate No.II, Poonamallee



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2.The revision petitioner filed a petition under Section 451 Cr.P.C. seeking release of his vehicle namely Splendor Plus Two Wheeler with Engine No.HA11EDN4B09365 and Chassis No.MDLHAW124N4B11818 which was seized by the Inspector of Police, T-6, Avadi Police Station, Chennai, in connection with Crime No.840/2022 for the offences punishable under Sections 323, 324, 506(ii) IPC. The said petition was allowed by the learned Judicial Magistrate No.II, Poonamlllee on the following conditions :

1. *“The petitioner shall execute a bond for value of the property for Rs.30,000/- along with one surety for like sum.*
2. *The petitioner shall produce a photograph of the vehicle, along with R.C. Book.*
3. *The petitioner shall file an affidavit of undertaking stating that ;*
 - a. he will not use the said vehicle to any other illegal activities in future.*
 - b. he will not alternate, encumber or change the physical features of the said vehicle.*



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c. he will produce the said vehicle as and when required.

4. The original R.C.Book shall be retained in this court till completion of investigation.

In result, this petition is allowed.”

3. Mr.R.Rajesh, learned counsel for the revision petitioner contended that the present revision petitioner is the owner of the two wheeler and the same has not been registered so far. However his contention is that though this was brought to the knowledge of the learned judicial Magistrate No.II Poonamallee, the learned judicial Magistrate No.II Poonamallee has directed the revision petitioner to deposit the RC Book before the Court. He further contended that he has Insurance Certificate and Invoice for the purchase of the vehicle in which Engine No.HA11EDN4B09365 and Chassis No.MDLHAW124N4B11818 of the vehicle are clearly indicated.

4. Mr.R.Vinothraja, learned Government Advocate (Crl. Side) did not raise any serious objection.



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5. The offences alleged against the accused in Crime No.840/2022 is only u/s.323, 324, 506(ii) IPC. The petitioner is a third party and she is not involved in the offence. Though the trial court allowed the petition filed by the revision petitioner under Section 451 Cr.P.C. directed her to deposit the RC Book of the vehicle, especially, when it is clearly stated that the vehicle has not been registered. Even in the Form 95, the registration of the vehicle is not indicated and only Engine No.HA11EDN4B09365 and Chassis No.MDLHAW124N4B11818 are indicated. Therefore, the petitioner is directed to file the Insurance Certificate and the Invoice for the purchase of the two wheeler bearing Engine No.HA11EDN4B09365 and Chassis No.MDLHAW124N4B11818. Thus the condition No. 2 & 4 passed by the Trial Court Judge are set aside and the petitioner is directed to produce the Insurance Certificate and the Invoice of the purchase of the vehicle and other conditions shall remain intact. He shall deposit the R.C. Book with the Court once the registration of the vehicle is done.



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6.With the above observations, the Criminal Revision is allowed.

19.09.2023

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

To

1.State by Inspector of Police,
T-6, Avadi Police Station,
Chennai.

2.The Judicial Magistrate No.II, Poonamallee.



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R. HEMALATHA, J.
mtl

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