



Crl.R.C.No.1430 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

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

Crl.R.C.No.1430 of 2023

Kamalraj

... Petitioner

Vs.

The State Rep. by
the Sub Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w. 401 of Criminal Procedure Code, to call for the records and set aside the order, dated 08.05.2023 made in Crl.M.P.No.1171 of 2023 on the file of the learned Judicial Magistrate, Uthangarai.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.R.Vinothraja,

Government Advocate (Crl. Side)

ORDER

Challenging the orders dated 08.05.2023 passed in Crl.M.P.No.1171 of 2023 by the learned Judicial Magistrate, Uthangarai, the present Criminal Revision is filed.

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2. The revision petitioner is the 2nd accused in Crime No.511/2022 of Uthangarai Police Station for the offences punishable under Sections 147, 148, 450, 120 (B), 302 and 201 I.P.C.,

3. The defacto complainant Tmt.Bakkiyam W/o. late Mr.Lakshman lodged a complaint with the Inspector of Police, Uthangarai Police Station stating that her son Senthil Kumar (deceased and husband of A1) went to meet his friend on 16.10.2022 and did not come back home even after a month and his whereabouts are not known to anyone. Based on the said complaint, the Inspector of Police, Uthangarai Police station, initially registered FIR in Crime No.511/2022 on 23.11.2022 for 'man missing' and thereafter altered the charges to one under Sections 147, 148, 450, 120 (B), 302 and 201 I.P.C., since it came to light that A1 who is the wife of the deceased Senthil Kumar, had illegal intimacy with A2, on account of which, there was a frequent quarrel between the couple. According to prosecution, A1 conspired with A2 to murder her husband and engaged hooligans for this purpose. On 23.11.2022, the deceased Senthil Kumar was murdered by the said



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hooligans as per the instructions of A1 and A2. The accused 1 and 2 went to the house of A1 in a car bearing Registration number TN 24 AL 3130 to confirm the death of the deceased Senthil Kumar and thereafter the body of the deceased was disposed of by the other accused / hooligans in a Car bearing Registration No.TN 09 AW 1379 and thrown into a well.

4. The revision petitioner / A2 filed a petition under 451 Cr.P.C, for return of the Car bearing Registration number TN 24 AL 3130 to him and the said petition was dismissed by the learned Judicial Magistrate, Uthangarai, Krishnagiri District on the ground that the investigation is not yet completed.

5. Mr.E.Kannadasan, learned counsel for the petitioner contended that the present car bearing Registration number TN 24 AL 3130 was not involved in the commission of offence and therefore he prayed for return of the vehicle to the revision petitioner.



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6. The Inspector of Police, Uthangarai Police Station filed a detailed counter in which he has clearly stated that the accused 1 and 2 went by a Car bearing Registration No. TN 24 AL 3130 to the house of A1 to confirm the death of A1's husband. Though it is contended that the body was taken in a different car bearing Registration No. TN 09 AW 1379, the fact remains that the investigation is not yet completed. At this stage, it may not be appropriate to return the vehicle to the custody of the revision petitioner / 2nd accused. Accordingly, this Criminal Revision is dismissed.

31.08.2023

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

To

- 1.The Judicial Magistrate,
Uthangarai.
- 2.The Sub Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.



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R. HEMALATHA, J.

vum

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