



Crl.R.C.No.200 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

CRL.R.C.NO.200 of 2023

R. Vimal Jyothi

... Petitioner

Vs

The State, represented by the
Inspector of Police,
M-3, Kovilpalayam Police Station,
Coimbatore District.
Crime No.608/2021)

... Respondent

Prayer: Criminal Revision Petition filed under section 397 r/w.401 Cr.P.C. to allow the above Criminal Revision case by setting aside the order dated 29.10.2021 passed in C.M.P.No.23046 of 2021 on the file of the Judicial Magistrate No.II, Coimbatore.

For Petitioner : Mr.M. Marudhachalam

For Respondent : Mr.V. Meganathan, GA (Crl.side)



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ORDER

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This Criminal Revision case has been filed challenging the order of dismissal dated 29.10.2021 passed by the Judicial Magistrate No.II, Coimbatore in C.M.P.No.23046 of 2021 filed under sections 451 r/w. 457 of Cr.P.C. seeking interim custody of the vehicle viz., Honda Amaze car bearing Registration No.TN 38 CC 9046.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and she is 3rd party to the case. She is not arrayed as accused and she is not connected to the alleged occurrence and she is ready to abide by any condition that may be imposed for granting interim custody of the vehicle to the petitioner. He further submitted that the vehicle is kept in open air and sun and the same will lose the vehicle's utility and also diminish its value.

3. When the matter is taken up for hearing, the learned Govt. Advocate (crl.side) objected to give interim custody of the vehicle by stating that the vehicle was parked in the place of occurrence for more than a week and



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suspecting of foul smell coming from the car, the people nearby, lodged the complaint before the respondent police. Based upon that, the car was opened, wherein, it was noticed that a dead body of one Dhanapal was found inside the car. Thereafter, the dead body was recovered from the car in a decomposed condition, pursuant to which, a case was registered by the respondent police. He further submitted that investigation is still pending and the vehicle is directly involved in the case and in this stage, if the vehicle is handed over to the petitioner, there may be every possibility of evidence to be destroyed.

4. Considered the submissions made on either side and perused the materials available on record.

5. Perusal of records would reveal that the dead body of one Dhanapal was found in the car and the car was parked with dead body for more than one week in the place of occurrence. It is a material evidence for the prosecution case since the car is directly involved in this case. In such circumstances, this



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court is of the view the trial court has rightly dismissed the claim of petitioner seeking interim custody of vehicle on the ground if the vehicle is handed over to the petitioner, there is a possibility of destroying the evidence. So, I find no infirmity in the order passed by the trial court and there is no ground to grant interim custody of the vehicle to the petitioner. Hence, this Criminal Revision Case is dismissed.

14.02.2023

msr

Index: yes/no

Internet:yes/no

To

1. The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore.
2. The Judicial Magistrate No.II,
Coimbatore.
3. The Public Prosecutor,
Madras High Court.

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V. SIVAGNANAM, J.

msr

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