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Crl.R.C.No.1708 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.R.C.No.1708 of 2022

Devi

... Petitioner

Vs.

The Inspector of Police,
Kottaikuppam Police Station,
Villupuram District.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397 and 401 of Cr.P.C. to set aside the order passed in Crl.M.P.No.875 of 2021 dated 11.03.2022 on the file of the learned Judicial Magistrate Court, Vannur and further direct the respondent to return the petitioner's vehicle TN-07-CR-1300 Bajaj Pulsar 220 DTS Engine No.DKYCJG54836, Chasis No.MD2A13EY2JCG44257 on the file of the respondent police.

For Petitioner : Mr.P. Muthamizh Selvakumar

For Respondent : Mr.V. Meganathan
Gov. Advocate (Crl.Side)

ORDER



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Challenging the order, dismissing the petitioner's application filed under Sections 457 and 451 of Cr.P.C, passed by the Judicial Magistrate, Vannur in Crl.M.P.No.875 of 2021, dated 11.03.2022 to return the vehicle, the present Revision has been filed.

2. The learned counsel for the petitioner contended that the petitioner is the owner of the vehicle viz., two wheeler bearing Registration No. TN-07-CR-1300 Bajaj Pulsar 220 DTS. On 14.4.2021, the petitioner's son by name, Arun Vishva took the above said vehicle to Vadanemmeli near Mamallapuram to attend birthday party of his friend and parked his vehicle near seashore. After returning from the function, he found that his vehicle went missing. With regard to the same, he gave a complaint before the Mamallapuram Police Station and a case was registered in FIR No.138 of 2021 on 14.04.2021 for the offence under section 379 IPC. Meanwhile, the petitioner came to know that his vehicle has been seized and kept under the custody of respondent police viz., The Inspector of Police Kottaikuppam



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Police Station, Villupuram in Crime No.289 of 2021 registered for the offence under section 392 IPC. Immediately, he filed an application before the Judicial Magistrate Vanur seeking custody of the vehicle, but his application was dismissed on the ground that already a case has been registered in Mamallapuram Police Station in Cr.No.138 of 2021 for the offence punishable under section 379 IPC and further the learned Judicial Magistrate has directed to produce Engine number, chassis number along with photograph of the vehicle before the court and thereafter seek remedy before the concerned jurisdictional court by filing appropriate application.

3. He further contended that as directed by the learned Magistrate, the respondent police has not produced the vehicle before the concerned jurisdictional Magistrate. Hence, he was unable to get interim custody of the vehicle from the court. Thus he seeks a direction to the respondent police to produce the vehicle before the concerned jurisdictional Magistrate.

4. The learned Govt. Advocate (crl.side) seeks two weeks time to produce the above said vehicle before the appropriate Magistrate Court



having jurisdiction.

5. Heard the learned counsel appearing for the petitioner and learned Govt. Advocate (crl.side) and perused the materials available on record.

6. Recording the submission of the learned Govt. Advocate (crl.side), this Criminal Revision Petition is disposed of with a direction to the respondent police to produce the vehicle bearing Registration No. TN-07-CR-1300 Bajaj Pulsar 220 DTS, seized by the respondent police in Crime No.289 of 2021 under section 392 IPC, which is involved in the case registered in crime No.138 of 2021 pending before Mamallapuram Police Station, to the appropriate jurisdictional Magistrate having jurisdiction over the Mamallapuram Police Station, within a period of two weeks from the date of receipt of a copy of this order.

7. This Criminal Revision Case is disposed of with the above direction.



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msr

Index:yes/no

Internet:yes/no

To

1. The Judicial Magistrate, Vannur.
2. The Inspector of Police,
Kottaikuppam Police Station,
Villupuram District.
3. The Inspector of Police,
Mamallapuram Police Station,
Chengalpattu.
3. The Public Prosecutor,
High Court of Madras, Chennai.

V.SIVAGNANAM, J.

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