



*Crl.R.C(MD) No.52 of 2023*

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.R.C(MD)No.52 of 2023

Mytheen Ali

... Revision Petitioner

Vs.

State rep. by  
The Inspector of Police,  
Thoothukudi Central Police Station,  
Thoothukudi.

... Respondent

**Prayer :** This Criminal Revision has been filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records in Cr.M.P.No.12389 of 2022 dated 07.11.2022 on the file of the learned Judicial Magistrate No.2, Thoothukudi and set aside the same and consequently return the petitioner's unregistered Yamaha MT 15 Bike having Engine No.G3N4E0355018 and Chasis No.G3NE0355018.

For Petitioner : Mr.M.Arsathual Hameed  
For Respondent : Mr.R.Suresh Kumar  
Government Advocate(Crl.side)



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## **ORDER**

This Criminal Revision Petition is filed to call for the records in Cr.M.P.No. 12389 of 2022 dated 07.11.2022 passed by the learned Judicial Magistrate No.2, Thoothukudi and set aside the same and consequently return the petitioner's unregistered Yamaha MT 15 Bike having Engine No.G3N4E0355018 and Chasis No.G3NE0355018.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the bike. The said bike is unregistered so far and the respondent seized the bike on the allegation that the bike was involved in Crime No.275 of 2022, for the offences under Sections 294(b), 352, 354D, 506(2) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. During the course of investigation, the petitioner's bike has been seized from the petitioner and the same was remanded by the trial Court. The petitioner claiming himself as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Cr.M.P.No.12389 of 2022, before the learned Principal Judicial Magistrate No.2, Thoothukudi, for return of bike and the same was dismissed on the ground that the ownership of the bike was not established.



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3. The learned counsel for the petitioner submitted that in the FIR there is no allegation has been made with regard to the involvement of bike and an allegation has been made with regard to the criminal intimidation and the abuse of filthy language. He further submitted that on the date of occurrence, the vehicle was not involved in the above said occurrence and on the date of occurrence only, he purchased the above said vehicle from Elim Motors, Thoothukudi, to that effect, he has also produced the Tax Invoices issued by the concerned agency.

4. On perusal of records shows that on the date occurrence only, the above said bike was purchased and the occurrence is said to have taken place before the registration and without knowing the same, the trial Court dismissed the petition.

5. In view of the above facts and circumstances of this case and also there is no rival claim by any one, the order of the Judicial Magistrate No.2, Thoothukudi, made in Cr.M.P.No.12389 of 2022, dated 07.11.2022 is set aside. The learned Judicial Magistrate No.2, Thoothukudi is directed to release the petitioner's bike by following proper procedure. The petitioner shall produce the



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original R.C.Book and file an undertaking affidavit to the effect that he will not alter or change the bike. The petitioner shall execute a bond to the satisfaction of the concerned Court to be fixed by its own discretion. Accordingly, this Criminal Revision Case is allowed.

**06.02.2023**

Index : Yes/No  
Internet : Yes/No  
tta

To:-

- 1.Judicial Magistrate Court No.II,  
Thoothukudi,
- 2.The Inspector of Police,  
Thoothukudi Central Police Station,  
Thoothukudi.



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**G.ILANGO VAN,J**

tta

ORDER MADE IN  
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