



Crl.R.C.(MD).No.121 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.121 of 2023

Gnanaraj Jebasingh

... Petitioner/Petitioner

Vs.

The State represented by
The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
(In Crime No.370 of 2021)

... Respondent/Respondent

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order dated 01.12.2022 made in Crl.M.P.No.5211 of 2022 in S.C.No.139 of 2022 on the file of the II Additional Sessions Judge, Thoothukudi.

For Petitioner : Mr. Anandakumar.N

For Respondent : Mr. Sakthikumar,
Government Advocate (Crl. Side)



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ORDER

This Criminal Revision Case has been filed against the order passed by the learned II Additional Sessions Judge, Thoothukudi in Crl.M.P.No. 5211 of 2022 in S.C.No.139 of 2022 dated 01.12.2022.

2. The case was registered against the petitioner for the offence under Section 341, 294(b), 363, 395 and 506(ii) of IPC. The petitioner has filed a petition under Section 451 of Cr.P.C before the learned II Additional Sessions Judge, Thoothukudi, seeking interim custody, that was dismissed on 01.12.2022, observing that no original R.C. Book is available with the petitioner and his ownership is also not established.

3. The learned counsel for the petitioner would submit that the above said original R.C. Book was missing and no complaint has been preferred against the missing R.C. Book. But however, the petitioner has produced Form 24 which contains the details regarding ownership of the property.

4. The learned Government Advocate (Crl. Side) would submit that there is no rival claim with regard to the ownership of the property.



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5. As per the above said document, the property belongs to the petitioner by way of purchase and there is no rival claim as admitted by the learned Government Advocate (Crl. Side). Affidavit is also filed by the petitioner that the original R.C.Book is found missing.

6. Since there is no rival claim, on the basis of the above said affidavit, this Court is inclined to allow this revision.

7. Accordingly, this Criminal Revision Case is allowed and the order, dated 01.12.2022, in Crl.M.P. No.5211 of 2022 in S.C.No.139 of 2022, passed by the learned II Additional Sessions Judge, Thoothukudi, is hereby set aside and directed to return the vehicle to the revision petitioner on the following conditions:

- 1. The petitioner is directed to give an undertaking affidavit before the learned Judicial Magistrate Court III, Thoothukudi, to the effect that he will not alter or change the properties of vehicle and he will ensure that in future, the alleged vehicle will not be involved in any illegal activities.*



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2. *The petitioner shall execute a bond to the satisfaction of the concerned Court to be fixed on its own discretion;*
3. *The petitioner shall produce the vehicle before the respondent and the trial Court as and when required;*
4. *If any of the above conditions are violated, this order will stand automatically cancelled.*

08.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
indu

To

1. The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
2. The Government Advocate (Crl.Side),
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA, J.

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