



CrI. R.C.(MD)No.289 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 14.03.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CrI.R.C.(MD)No.289 of 2023

Vadivukkarasi

: Petitioner

Vs.

State rep.by the Inspector of Police,
Vadipatti Police Station,
Madurai District.
Crime No.321 of 2022.

: Respondent

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to set aside the order passed in Cr.M.P.No.486 of 2023, dated 27.01.2023 by the learned Judicial Magistrate Court, Vadipatti, Madurai District and hand over the vehicle Yamaha R15 S two wheeler bearing Reg.No.TN 63 BP 1162 to the petitioner's interim custody.

For Petitioner : Mr.R.Balamuruganantham

For Respondent : Mr.A.Albert James,
Government Advocate (Criminal Side)



CrI. R.C.(MD)No.289 of 2023

ORDER

WEB COPY

The Criminal Revision Case is directed against the order passed in Cr.M.P.No.486 of 2023, dated 27.01.2023, dismissing the petition filed under Section 457 r/w 451 of Cr.P.C.

2. It is evident from the records that the respondent Police registered a case in Crime No.321 of 2022 on 26.10.2022 under Section 392 IPC against four persons and after initial investigation, the case was altered into Section 397 IPC.

3. The learned Government Advocate (Criminal Side) appearing for the State would submit that the vehicle belongs to the petitioner; that the petitioner's son is one of the accused in the above case and he was already secured. He would further submit that the case properties, including the vehicle in dispute were recovered and that the vehicle in dispute has been used for committing the alleged offence. He would further submit that the petitioner and her son are not having any previous case.



Crl. R.C.(MD)No.289 of 2023

WEB COPY

4. As rightly contended by the learned counsel for the petitioner, the petitioner is not an accused in the above case, but her son is one of the accused. The learned Judicial Magistrate by observing that the petitioner has not disclosed that the accused is her son and that the offence alleged against the petitioner's son is a heinous offence, dismissed the petition.

5. Considering the facts and circumstances of the case and also the facts that all other properties have already been secured; that the accused involved in the case including the petitioner's son were already arrested and that the petitioner and her son are not having any other previous case and also taking note of the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody and that the vehicle in dispute was not involved in any other cases, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 27.01.2023 passed in Cr.M.P.No.486 of 2023, by the learned Judicial Magistrate, Vadipatti.



Crl. R.C.(MD)No.289 of 2023

6. Accordingly, this Criminal Revision Petition is allowed and the order, dated 27.01.2023 in Cr.M.P.No.486 of 2023 on the file of the learned Judicial Magistrate, Vadipatti, is hereby set aside and the learned Judicial Magistrate, Vadipatti, is directed to release the vehicle of the petitioner forthwith on the following conditions:-

- (a) the petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh only), with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Vadipatti ;
- (b) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate , Vadipatti;
- (c) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (d) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

14.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

das

Note : Issue order copy on **25.04.2023**.



WEB COPY



Crl. R.C.(MD)No.289 of 2023

To

- 1.The Judicial Magistrate,
Vadipatti.
- 2.The Inspector of Police,
Vadipatti Police Station,
Madurai District.
- 3.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl. R.C.(MD)No.289 of 2023

K.MURALI SHANKAR,J.

das

Order made in
Crl.R.C.(MD)No.289 of 2023

14.03.2023