



Crl.R.C.(MD) No.319 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **21.03.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

Crl.R.C.(MD)No.319 of 2023

Sakthivel

... Petitioner/Petitioner

Vs.

State through
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
(Crime No.16 of 2023)

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order passed by the learned Judicial Magistrate, Manapparai in Cr.M.P.No.575 of 2023 dated 13.02.2023 and set aside the same and allow this revision petition.

For Petitioner : Mr.C.Susi Kumar,

For Respondent : Mr.A.Albert James,
Government Advocate (Crl. side).



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ORDER

This Criminal Revision is directed against the order passed in Cr.M.P.No. 575 of 2023 dated 13.02.2023 on the file of the Judicial Magistrate, Manapparai, dismissing the petition filed under Section 451 Cr.P.C., for returning of the vehicle.

2. It is seen from the records that the respondent police has registered a case in Crime No.16 of 2023 against three persons including the petitioner herein for the offences under Sections 379 r/w 511 IPC.

3. It is not in dispute that the respondent police has recovered one TATA ACE vehicle, 3 cans and 1 pipe from the petitioner.

4. The petitioner has filed an application before the jurisdictional Court seeking interim custody of the vehicle in Cr.M.P.No.575 of 2023 and the learned Magistrate, by observing that if interim custody of the vehicle is given to the



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petitioner, the same will be used for committing the same offence and that the petitioner will alienate and change the vehicle, has dismissed the petition.

5. It is pertinent to note that FIR itself came to be registered for the offences under Sections 379 r/w 511 IPC.

6. Even according to the learned Government Advocate (Criminal Side), the petitioner is not having any previous cases.

7. Moreover, the learned counsel appearing for the petitioner would submit that the petitioner has purchased the vehicle and got it registered and before getting Registration Certificate, the present case came to be registered and he has also produced the copy of the Registration Certificate. He would further submit that the said vehicle has no connection whatever with the alleged occurrence, that if the vehicle is kept in open place, the value of the said vehicle will get deteriorated and that therefore interim custody may be granted to the petitioner.

8. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that they are not disputing the ownership of the vehicle.



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9. Considering the above facts and circumstances of the case and also 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 13.02.2023 passed in Cr.M.P.No.575 of 2023, by the learned Judicial Magistrate, Manapparai.

10. Accordingly, this Criminal Revision Petition is allowed and the order dated 13.02.2023 in Cr.M.P.No.575 of 2023 on the file of the learned Judicial Magistrate, Manapparai, is hereby set aside and the learned Judicial Magistrate, Manapparai, 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.3,00,000/- (Rupees Three Lakhs only)**, with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Manapparai;
- (b) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate, Manapparai;



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(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;

21.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
csm

To:-

1. The Judicial Magistrate,
Manapparai.
2. The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

csm

**ORDER MADE IN
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