



Crl. R.C.(MD)No.331 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 23.03.2023

CORAM

The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl.R.C.(MD)No.331 of 2023

Parthiban

.. Petitioner

Vs.

1.The Inspector of Police,
Puthanatham Police Station,
Puthunatham, Trichy District.
Crime No.44 of 2022.

2.Rengasamy

3.Yovan

4.Domaniyan Vincentraj

5.Raman

.. Respondents

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records pertaining to the order of the learned Judicial Magistrate, Manapparai, dated 03.03.2023 made in Cr.M.P. No.1007 of 2023 and set aside the same as illegal.

For Petitioner : Mr.T.Vadivelan,

For Respondent : Mr.A.Albert James,
Government Advocate (Criminal Side)
for R1.



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ORDER

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The Criminal Revision is directed against the order passed in Cr.M.P.No.1007 of 2023 dated 03.03.2023 by the learned Judicial Magistrate, Manapparai, dismissing the petition filed under Section 451 Cr.P.C.

2. The learned counsel for the petitioner would submit that the vehicle / JCB bearing Reg.No. TN-47-AD-9409, is owned by the petitioner and the R.C.Book is still with the Chola Mandalam Finance Company; that the petitioner has leased out the vehicle to the accused 1 and 2, who in turn, without consent and knowledge of the petitioner, sold the vehicle to the third accused, who in turn sold the vehicle to the fourth accused and that on the basis of the complaint given by the petitioner, FIR came to be registered in Crime No.44 of 2022, for the offences under Sections 406 and 420 IPC against four persons and that the investigation is still pending.

3. The learned Government Advocate (Criminal Side) appearing for the State would submit that the vehicle was recovered from the fourth accused and the same was produced and remanded before the concerned Court.



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4. Considering the facts and circumstances of the case and also the reasons assigned by the learned Magistrate, for dismissing the petition, is not in proper and is not in accordance with law 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, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 03.03.2023 passed in Cr.M.P.No.1007 of 2023, by the learned Judicial Magistrate, Manapparai.

5. Accordingly, this Criminal Revision Petition is allowed and the order dated 03.03.2023 in Cr.M.P.No.1007 of 2022 in Crime No.44 of 2022 on the file of the learned Judicial Magistrate, Manapparai, is hereby set aside and the vehicle / JCB bearing Reg.No. TN-47-AD-9409, is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

- (a) the petitioner shall execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only), with two sureties for a likesum to the satisfaction of the learned Judicial Magistrate, Manapparai ; and



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- (b) the petitioner shall produce a ceritifed copy of the R.C.Book and also file an affidavit of undertaking to surrender the original R.C.Book after settling the loan due to the Finance Company;
- (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;

23.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das

To

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



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K.MURALI SHANKAR,J.

das

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