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Crl.R.C.(MD) No.594 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.594 of 2023

Arumugam

... Petitioner/
Petitioner/
Owner of the
Vehicle

Vs.

The State represented by
The Inspector of Police,
Vathalai Police Station,
Trichy District.
(Crime No.118 of 2022)

...Respondent/
Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order in Crl.M.P.No.2224 of 2023 on the file of learned Principal District and Sessions Judge, Tiruchirappalli, dated 06.06.2023.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl. side)



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ORDER

This Criminal Revision is directed against the order passed in Cr.M.P.No.2224 of 2023 dated 06.06.2023 on the file of the Principal District and Sessions Judge, Tiruchirappalli, dismissing the modification petition.

2. It is evident from the records that the petitioner has earlier filed an application in Cr.M.P.No.3222 of 2022 for return of the vehicle and the learned Principal Sessions Judge vide order dated 04.08.2022 has granted the interim custody of the vehicle by imposing some conditions which includes that the petitioner shall produce the vehicle before the Judicial Magistrate, Musiri on 1st working day of every English calendar month. The petitioner by alleging that he has been complying with the said condition for the past 1 year, has filed a petition seeking modification in Cr.M.P.No.2224 of 2023 and the learned Principal Sessions Judge by observing that in order to ensure the availability of the vehicle which was kept in the custody of the petitioner till the disposal of the case, it is necessary to produce the vehicle before the court on the 1st



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working day of every English calender month till the disposal of the case,
has dismissed the petition.

3. As already pointed out, according to the learned counsel appearing for the petitioner, the petitioner has been complying with the said condition for the past 1 year.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would also admit the same. He would submit that charge sheet has already been filed and the same was taken on file.

5. Considering the above facts and circumstances, this Court is inclined to modify the condition.

6. In the result, this Criminal Revision case is allowed. The order of the learned Principal District and Sessions Judge, Tiruchirappalli, made in Cr.M.P.No.2224 of 2023, dated 06.06.2023 is hereby set aside and the condition No.11 imposed in the order dated 04.08.2022 passed in Cr.M.P.No.3222 of 2022 by the learned Principal District and Sessions



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Judge, Tiruchirappalli is modified to that effect the petitioner is directed to produce the vehicle before the Judicial Magistrate, Musiri as and when required.

19.06.2023

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

To:-

- 1.The Principal District and Sessions Judge,
Tiruchirappalli.
- 2.The Inspector of Police,
Vathalai Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

csn

**ORDER MADE IN
Crl.R.C.(MD)No.594 of 2023**

Dated : 19.06.2023