



Crl.R.C(MD)No.772 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated:21.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.772 of 2023

R.Dinakaran

.. Petitioner / Petitioner

Vs.

The State rep. by,
The Inspector of Police,
Thanjavur Medical College Police Station,
Thanjavur District.
(Crime No.1151/2021)

.. Respondent / Respondent

PRAYER: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order dated 01.06.2023 made in Cr.M.P.No.894 of 2022 on the file of the leaned I-Additional District and Sessions Judge (PCR), Thanjavur Full Additional Charge of the II-Additional District and Sessions Judge, Thanjavur and set aside the order and direct the respondent herein to grant the interim custody of the vehicle viz., Yamaha Two Wheeler bearing Registration No.TN-49-BR-1307, which has been seized by the respondent herein in Crime No. 1151/2021.



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For Petitioner : Mr.K.M.Karunakaran

For Respondent : Mr.M.Muthumanikkam
Government Advocate(Criminal side)

ORDER

This Criminal Revision Petition is directed against the order dated 01.06.2023 passed in Cr.M.P.No.894 of 2022 on the file of the leaned I-Additional District and Sessions Judge (PCR), Thanjavur Full Additional Charge of the II-Additional District and Sessions Judge, Thanjavur, and to grant the interim custody of the vehicle viz., Yamaha Two Wheeler bearing Registration No.TN-49-BR-1307, which has been seized by the respondent herein in Crime No.1151/2021 filed for the offence under Sections 294(b) and 302 IPC r/w 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST(POA) Act.

2. The petitioner is arrayed as third accused in S.C.No.88 of 2022 on the file of the II-Additional District and Sessions Judge, Thanjavur and the owner of the vehicle Two wheeler, bearing Registration No.TN-49-BR-1307. According to the prosecution, the vehicle is involved in the above case and he also faced charges under Section 302 IPC. After completion of investigation in the above crime number, the petitioner filed the petition in Cr.M.P.No.894 of 2022 on the file of the II-Additional District and Sessions



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Judge, Thanjavur to release his vehicle. The learned Judge, considering the involvement of the vehicle, which is used by the other accused at the time of occurrence, declined to grant release and dismissed the petition. Challenging the same, he filed the petition before this Court.

3. This Court has considered the submissions made by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondent and perused the records placed before this Court.

4. According to the learned counsel for the petitioner, the petitioner is working as a Sales Executive and hence, he required his Two wheeler vehicle for doing his job.

5. Considering the above submission and also considering the fact that the investigation was completed and final report also filed and the same was taken on file in S.C.No.88 of 2022, this Court is inclined to release the vehicle.

6. Accordingly, this Criminal Revision Petition is allowed and the order dated 01.06.2023 in Cr.M.P.No.894 of 2022 on the file of the learned



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II-Additional District and Sessions Judge, Thanjavur, is hereby set aside and the vehicle Two wheeler bearing Reg.No.TN-49-BR-1307, is ordered to be returned to the petitioner for interim custody subject to the following conditions:-

- (a) the Investigation Agency shall take photo of the vehicle and produced the same with CD along with the certificate as required under Section 65B of the Evidence Act, before the trial Court;
- (b) the petitioner shall execute a bond for a sum of Rs.35,000/-(Rupees Twenty five thousand only) with two sureties for a likesum to the satisfaction of the learned II-Additional District and Sessions Judge, Thanjavur;
- (c) the petitioner shall produce a ceritifed copy of the R.C.Book;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicle; and
- (e) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required.

21.07.2023

NCC : Yes/No
Index :Yes/No
Internet :Yes/No
PJJ



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To

1. The II-Additional District and Sessions Judge,
Thanjavur.

2. The Inspector of Police,
Thanjavur Medical College Police Station,
Thanjavur District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

PJL

**Order made in
Crl.R.C(MD)No.772 of 2023**

21.07.2023