



Crl.R.C.(MD).No.908 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.908 of 2023

I. Soundarapandi

.. Petitioner

Vs.

the State through the
the Inspector of Police
Dindigul District

.. Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the order passed by the learned Additional District Munsif cum Judicial Magistrate, Vedasanthur Dindigul District in Crl.M.P.No.3720 of 2023 dated 02.08.2023 and direct the respondent to return the vehicle of the petitioner namely Maruthi Omni bearing registration No.TN-21-By-1441.

For Petitioner : Mr.R.Sevugaraja

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

ORDER

The petitioner has filed this petition against the impugned order passed by the learned Additional District Munsif cum Judicial Magistrate, Vedasanthur Dindigul District in Crl.M.P.No.3720 of 2023



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dated 02.08.2023 and direct the respondent to return the vehicle of the petitioner named Maruthi Omni bearing registration No.TN-21-By-1441.

2.The case of the prosecution is that on 15.05.2023 at about 23.45 hours the respondent police received information regarding a murder at poothampatti Wine Shop, that one Ganesamoorthy, brutally murdered one Kalidoss, who is the son of the *defacto* complainant. The deceased Kalidoss and one Jothi Lakshmi were living together and the said Jothi Lakshmi had one sister, namely, Usha rani. The said Usha rani and Ganesamoorthy were living together and he used to consume alcohol regularly and beat Usharani daily. Therefore, being fedup with Ganesamoorthy, Usharani came to her sister Jothilakshmi's house at Devanaickanpatti and informed about the torture meted out to her by Ganesamoorthy. Therefore, the deceased Kalidoss decided to call him to his home and warn him. Therefore, he called Ganesamoorthy and warned him. Later, they left from home informing that Kalidoss was dropping Ganesamoorthy at Busstop. But, instead of dropping him, both of them went to Poothampatti wineshop and had alcohol together and had a wordy quarrel and the same has snowballed into a quarrel. During this



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quarrel, Ganesamoorthy attacked Kalidass with a bottle and stabbed on the neck of the deceased Kalidoss with the liquor bottle and the deceased fell down near the car of the petitioner, who came along with the wife of the accused to pick the deceased on hearing about the brawl at the bar. Therefore, the respondent police registered the case in Crime No.119 of 2023 for the offences punishable under Section 302 of IPC. Thereafter, the respondent police seized the vehicle and took them to the station along with the accused. Then, the petitioner herein filed a petition in Crl.M.P.No.3720 of 2023 before the Court below, to return his vehicle. The same was dismissed. Therefore, the petitioner herein has filed this Criminal Revision Case before this Court.

3.Today, when the matter was taken up for hearing, it was submitted that the process of name change in the original R.C. Book is under progress. Hence, he seeks permission of this Court to give liberty to file a fresh petition after transferring the name in the Original R.C.book at the Regional Transport Office.



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4.It is seen from the records that the ownership of the vehicle was not proved by the petitioner, as the name in the original R.C.Book was different and appropriate steps for change of name is in process. Therefore, the petitioner is hereby directed to file a fresh petition after transfer of name in the original R.C.Book, and the learned Trial Judge may consider the application without insisting any other requirement.

5.With the above directions, this Criminal Revision Case stands dismissed. It is open to the petitioner to file the proper petition seeking name transfer in the original R.C.book before the Regional Transport Office and then file a fresh petition for return of vehicle before the concerned Court. .

11.09.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
sbn



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To

- 1.The learned Additional District Munsif
cum Judicial Magistrate,
Vedasanthur,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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