



Crl.RC.(MD).No.1042 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.09.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC.(MD).No.1042 of 2023

M.N.Mohamed Abdul Hakim

... Petitioner

Vs.

The Inspector of Police,
Tallakulam Police Station,
(Law and Order)
Madurai.

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the order passed in C.R.M.P.No.3883 of 2023 on the file of the Judicial Magistrate Court No.2, Madurai, dated 28.07.2023 and direct the respondent to release the vehicle.

For Petitioner : Mr.K.M.Mohammed Ali

For Respondent : Mr.R.Sivakumar
Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Case has been filed against the order passed in Cr.M.P.No.3883 of 2023, dated 28.07.2023, on the file of the learned Judicial Magistrate No-II, Madurai District.

2. According to the petitioner, the petitioner's vehicle is said to have involved in the alleged offence on 22.05.2023 under Sections 279, 290 of IPC r/w 184 and 177 of the Motor Vehicles Act. Hence, his vehicle bearing registration No.TN 59 CE 9316 Honda Dio was seized and kept under the custody of the respondent police. Thereafter, the petitioner herein has filed a petition in Crl.M.P.No.3883 of 2023, before the learned Judicial Magistrate No-2, Madurai, under Section 451 of Cr.P.C., seeking interim custody of the vehicle and the same was dismissed on 28.07.2023. Aggrieved over the same, the petitioner herein has filed this criminal revision case before this Court.

3. The learned counsel for the petitioner submitted that the vehicle in question is standing in the name of his father. His father is in Malaysia



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and hence, he is unable to obtain the power of attorney and any other documents to get the vehicle from the Court custody. With the said difficulties, he prays to release the vehicle.

4. The learned Government Advocate (Crl.Side), on instructions, submitted that the petitioner is not the owner of the vehicle and he did not have any power of attorney. Hence, he prays for dismissal.

5. This Court considered the rival submissions made on either side and perused the materials available on record.

6. The vehicle is standing in the name of the petitioner's father and he is in Malaysia and hence, and hence it is not possible to get power of attorney, which will be a tedious process and also consumes more expenditure than the value of the vehicle. Considering all the special circumstances of this case, this Court is inclined to dispose of this revision with the following terms:



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(i) The learned Judicial Magistrate is hereby directed to entrust the possession of the vehicle to the petitioner upon taking the photograph of the vehicle and recording a panchanama in accordance with Rule 257 of the Criminal Rules of Practice, 2019 framed by this Court;

(ii) The petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** for a like sum to the satisfaction of the learned Judicial Magistrate No-2, Madurai District;

(iii) The petitioner shall file an undertaking affidavit before the Court below with endorsement that he will produce his vehicle without any alienation and without any damages to the vehicle, at the time of trial.

19.09.2023

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

Note: Issue order copy on 20.10.2023.



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To
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- 1.The Inspector of Police,
Central Crime Branch, Madurai City.
- 2.The Judicial Magistrate No-I,
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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