



Crl.R.C(MD) No.1277 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.R.C(MD)No.1277 of 2022

Ramachandran

... Revision Petitioner

Vs.

State Represented by
The Sub-Inspector of Police,
Mallanginaru Police Station,
Virudhunagar District.

... Respondent

Prayer : This Criminal Revision Case has been filed under Sections 397 and 401 of Criminal Procedure Code, to allow this Criminal Revision Petition and call for the records relating to the order passed by the learned Judicial magistrate No.1, Virudhunagar in Crl.M.P.No.6458 of 2022 in Cr.No.85 of 2022 dated 07.11.2022 and set aside the same.

For Petitioner : Mr.C.Murugavel

For Respondent : Mr.R.Suresh Kumar
Government Advocate(Crl.side)



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ORDER

This Criminal Revision Case is filed to call for the records relating to the order passed by the learned Judicial Magistrate No.1, Virudhunagar in CrI.M.P.No.6458 of 2022 in Cr.No.85 of 2022 dated 07.11.2022 and to set aside the same.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the car, namely, Ford Fiesta Car, bearing Registration No.TN-01-AC-9807. The respondent seized the vehicle on the allegation that the petitioner had found in illegal possession of banned tobacco products. The petitioner claiming himself as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Cr.M.P.No.6458 of 2022, before the Judicial Magistrate No.I, Virudhunagar, for return of vehicle and the same was dismissed on the ground that the petitioner is not the owner of the vehicle. This petition has been filed mainly on the ground that the petitioner is the agreement purchaser and apart from that there is no previous case is pending.



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3. On the earlier occasion (i.e) on 23.12.2022, the learned counsel for the petitioner was directed to produce the original RC book along with agreement of purchase.

4. Perusal of agreement shows that the vehicle was purchased on 01.07.2022 and the said occurrence is said have been happened on 10.07.2022, which is after the above said purchase.

5. Considering the above facts and the circumstances of this case, this Court is inclined to allow the Criminal Revision Case. Accordingly, the order dated 07.11.2022 made in Cr.M.P.No.6458 of 2022 passed by the learned Judicial Magistrate No.I, Virudhunagar, is hereby set aside to the effect that the vehicle is ordered to be returned to the petitioner by following proper procedure. The above said original agreement to be produced along with R.C. Book before the concerned Court and after completing the entire formalities, the same shall be returned to the petitioner. The petitioner shall file an undertaking affidavit to the effect that he will not alter or change the vehicle and also execute a bond to the satisfaction of the concerned Court to be fixed on its own discretion.



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In the result, this Criminal Revision Case is allowed.

03.01.2023

Index : Yes/No
Internet : Yes/No
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To:-

- 1.The Sub-Inspector of Police,
Mallanginaru Police Station,
Virudhunagar District.
2. Judicial Magistrate No.I,
Virudhunagar.



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G.ILANGOVA,J

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ORDER MADE IN
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03.01.2023