



WEB COPY



Crl.O.P.(MD)No.23044 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.12.2023**

CORAM:

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

Crl.O.P.(MD) No.23044 of 2023

Sreelekshmi

... Petitioner/Petitioner/3rd Party

Vs.

The Inspector of Police,
Arumanai Police Station,
Kanyakumari District
Crime No.154 of 2023.

...Respondent/Respondent/
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order made in Crl.R.P.No.22 of 2023, dated 05.12.2023 on the file of the Principal Sessions Court, Kanyakumari, at Nagercoil, and thereby direct the respondent Police to return the Auto bearing registration No.KL 19 N 2817 to the custody of petitioner pending conclusion of the trial.

For Petitioners : Mr.Prithiviraj.P.R

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)



ORDER

WEB COPY

This petition has been filed seeking to set aside the order made in Crl.R.P.No.22 of 2023, dated 05.12.2023 on the file of the Principal Sessions Court, Kanyakumari, at Nagercoil, and thereby direct the respondent Police to return the Auto bearing registration No.KL 19 N 2817 to the custody of petitioner pending conclusion of the trial.

2.The learned Additional Public Prosecutor (Crl.Side) would submit that the property is remanded before the concerned trial Court and assigned R.P.No.22 of 2023. Now seeking interim custody of the vehicle, the petitioner moved a petition before the concerned trial Court under Section 451 r/w. 457 of Cr.P.C., but it came to be dismissed by the trial Court, dated 05.10.2023, on the ground that if the vehicle is returned to the petitioner, it may be used by the petitioner for committing the very same offences. Aggrieved over the same, the petitioner moved a revision before the Principal District Court, Kanniyakumari, in Crl.R.C.No.22 of 2023, that was also came to be dismissed on 05.12.2023, on the very same ground. Now this petition has been filed on the ground that the vehicle is kept idle in the Police Station for the past three months and it may be get damaged.



Crl.O.P.(MD)No.23044 of 2023

3. Since the grievance of the petitioner is genuine, the above said vehicle may be returned to the petitioner on stringent condition as deemed fit by the learned Judicial Magistrate No.I, Kuzhithurai. The petitioner is directed to file an undertaking affidavit before the learned Judicial Magistrate No.I, Kuzhithurai, stating that he will not use the vehicle for similar sort of offences in future.

4. With the above said direction, this Criminal Original Petition stands disposed of.

21.12.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
Indu

To

1. The learned Judicial Magistrate No.I, Kuzhithurai.
- 2.The Inspector of Police,
Arumanai Police Station,
Kanyakumari District,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.O.P.(MD)No.23044 of 2023

G.ILANGO VAN. J.

Indu

CrI.O.P.(MD) No.23044 of 2023

21.12.2023