



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.3162 of 2024

Raghu

...Petitioners

Vs.

The State Rep. by:
The Inspector of Police,
New Hope Police Station,
Nilgris District.
(Crime No.46 of 2017)

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the Docket order dated 19.01.2024 made in Unnumbered Crl.M.P.No. 2024 in S.C.No.10 of 2019 on the file of Learned Assistant Sessions Judge, Gudalur and consequently direct the Trial Court to release the petitioner's vehicle Two wheeler bearing registration TN 39 BH 8647 to his custody.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This criminal original petition has been filed challenging the docket order passed by the Court below dated 19.01.2024, returning the application filed by the petitioner seeking for return of vehicle.



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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3. The petitioner was arrayed as an accused before the Court below and he was convicted and sentenced in S.C.No.10 of 2019 by judgment dated 08.03.2023. Aggrieved by the same, the petitioner has filed an appeal before the learned Sessions Court, Nilgris and this appeal was also dismissed confirming the judgment of the Trial Court. Aggrieved by the same, the petitioner has filed criminal revision in CrI.R.C.2260 of 2023 before this Court and the same is pending. Pending the revision petition, the petitioner also filed a petition for suspension of sentence and the same was also ordered by this Court on 29.12.2023.

4. The petitioner moved an application before the Court below under Section 452 of Cr.P.C., seeking for the return of vehicle. Such an application was moved on the basis of a finding rendered by the Court below to the effect that the vehicle was not involved in the offence. The Court below through Docket Order dated 19.01.2024, returned the application on the ground that Criminal Revision is pending before this Court. Aggrieved by the same, the present criminal original petition has been filed before this Court.



5. In the considered view of this Court, when the Criminal Revision case is pending, it is always left open to the petitioner to move a petition in the pending Criminal Revision and seek for the return of vehicle. The Court below cannot entertain such an application when the Criminal Revision is pending before this Court. That apart, this Court also cannot independently entertain a petition under Section 482 of Cr.P.C., since the substantial case is pending by way of a revision before another Hon'ble Judge of this Court.

6. In the light of the above discussion, liberty is granted to the petitioner to move a petition in the pending Criminal Revision in CrI.R.C.No.2260 of 2023 and seek for return of vehicle and workout his remedy in accordance with law.

7. This criminal original petition is disposed of in the above terms.

14.02.2024

Index: Yes/No
Internet: Yes/No
ssr

To

1. The Assistant Sessions Judge,
Gudalur.



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N.ANAND VENKATESH, J

ssr

2.The Inspector of Police,
New Hope Police Station,
Nilgris District.

3.The Public Prosecutor,
High Court, Madras.

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