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Crl.R.C.No.694 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

Crl.R.C.No.694 of 2023

E.Rathinapriya

... Petitioner

Vs.

State rep. by The Inspector of Police,
Dharapuram Police Station,
Tiruppur District.
(Crime No.317 of 2022)

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C, praying to call for the records and set aside the order dated 27.02.2023 passed in Crl.M.P.No.447 of 2023 on the file of the Judicial Magistrate, Dharapuram in Crime No.317 of 2022 on the file of the respondent dated 14.06.2022 and direct the respondent to release the Suzuki Motorcycle bearing registration No.TN 49 CX 6016 and allow this criminal revision petition.

For Petitioner : M/s.G.Tamilselvan
No appearance

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

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This Criminal Revision Case has been filed challenging the order of the court below dismissing the petition filed by the petitioner seeking custody of his vehicle.

2. When the matter is taken up for hearing today, there is no representation on behalf of the petitioner.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the vehicle involved in this case was already involved in a case registered by Pattukottai Police Station in Crime No.627 of 2022, in which, the petitioner was the complainant and he has stated that the vehicle was stolen by accused person. Subsequently, the said case has been closed by the Pattukottai Police Station as 'vehicle undetected'. Thereafter, it is identified that the vehicle is involved in Crime No.317 of 2022 on the file of the respondent police and the petitioner has filed a petition in Crl.M.P.No.447 of 2023 in Crime No.317 of 2022 before the learned Judicial Magistrate, Dharapuram. The trial court has dismissed the petitioner on the ground that since the vehicle involved in Crime No.317 of



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2022 was detected, it becomes a case property in Crime No.627 of 2022, therefore, the case in Crime No.627 of 2022 on the file of Pattukottai Police Station has to be necessarily reopened. Therefore, the learned Government Advocate (Crl.Side) submitted that, the petitioner has to file appropriate petition only before the jurisdictional Magistrate.

4. In view of the above submissions made by the learned Government Advocate (Crl.Side) appearing for the respondent, this court is not inclined to interfere with the order passed by the trial court. However, liberty is granted to the petitioner to file appropriate petition before the jurisdictional Magistrate Court at Pattukottai in respect of Crime No.627 of 2022. If such petition is filed, the learned Magistrate is directed to pass appropriate orders.

5. Accordingly, this Criminal Revision Case is dismissed with the above liberty.

02.08.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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To

- 1.The Judicial Magistrate, Dharapuram.
- 2.The Inspector of Police, Dharapuram Police Station, Tiruppur District.
- 3.The Public Prosecutor, Madras High Court, Chennai.

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