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Crl.R.C.No.1482 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

Crl.R.C.No.1482 of 2024

Sathish Kumar

... Petitioner

Vs.

State Rep. by its
Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore City.

... Respondent

PRAYER: Criminal Revision filed under Sections 397 and 401 of Code of Criminal Procedure, to call for the records and to set aside the order passed in Crl.M.P.No.34869 of 2023 by the learned Judicial Magistrate No.VII, Coimbatore dated 10.08.2023 and to allow this criminal revision.

For Petitioner : Mr.P.Murali

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This Criminal Revision Petition has been filed to set aside the order passed in Crl.M.P.No.34869 of 2023 by the learned Judicial Magistrate No.VII, Coimbatore dated 10.08.2023.

2.The petitioner/accused in Crime No.52 of 2023 filed a return of property petition before the Lower Court in Crl.M.P.No.34869 of 2023. The trial Court, by order dated 10.08.2023 dismissed the petition, against which, the present revision is filed.

3.The contention of the learned counsel for petitioner is that the respondent police seized the petitioner's Auto bearing Registration No. TN-99-C-7444, Samsung mobile phone 503 and Vivo phone V15 Pro from the petitioner as though they are involved in the above case. The petitioner is the owner of the vehicle and after the seizure of the vehicle, the vehicle was kept in open yard exposing to vagaries of weather and the value of the vehicle



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would get diminished. Further submitted that the petitioner is an auto driver by profession. The petitioner makes his earnings as auto driver, now denied income due to the detention of Auto. The petitioner borrowed financial assistance for the purchase of Auto, hence he has to pay monthly EMI's for the same. These factors not considered by the Lower Court and the Lower Court dismissed the petition for the reason that investigation is still pending, hence, cannot be returned. Now the petitioner understand that investigation completed, hence sought for return of Auto.

4.The learned Additional Public Prosecutor opposed the petitioner's contention submitting that the petitioner is the main accused/A1 in the above case, who along with Vinothini/A2, Gokulkannan/A3 and Vignesh/A4 conspired to do away the de-facto complainant and A2/Vinothini gave cash to purchase an Auto. Using the auto, the petitioner along with other accused A3 and A4 planned to execute murder of the



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de-facto complainant, purchased knife, dress and projected themselves as though they are delivery boys of courier company. They called the de-facto complainant to a secluded place, there the petitioner stabbed de-facto complainant. The de-facto complainant luckily escaped and lodged the complaint. The role played by each accused revealed and they were arrested and on their confessions articles seized. On completion of investigation, charge sheet filed and the same was taken on file in S.C.No.205 of 2024 on the file of Principal Subordinate Court, Coimbatore for offence under Sections 307, 506(ii) and 120-B of I.P.C. Since A2/Vinothini is yet to appear before the trial Court, the case is kept pending without any progress. As and when all the accused could be present, charges could be framed and trial could be proceeded. In this case there are only 21 witnesses and the trial itself can be completed within a stipulated period. Since the auto has been used as a vehicle through which all the accused travelled, planned and finally on the date of attack also they travelled in the auto. Hence, he strongly objected for



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return of auto and this auto need to be marked as material object. He also
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produced the copy of charge sheet.

5.Considering the submissions made and on perusal of the charge sheet it is seen that the role of petitioner was narrated in the charge sheet. In view of the same, this Court is not inclined to entertain this petition. Hence, the Criminal Revision Case is dismissed.

13.09.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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M.NIRMAL KUMAR, J.

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To

- 1.The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore City.
- 2.The Judicial Magistrate No.VII,
Coimbatore.
- 3.The Public Prosecutor,
High Court, Madras.

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