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Crl.R.C.No.1485 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.1485 of 2024

Kamalraj

... Petitioner/2nd Accused

Vs.

The Sub Inspector of Police,
Uthangarai Police Station,
Krishnagiri District
(Cr.No.511 of 2022)

... Respondent/Complainant

Prayer: Criminal Revision Petition filed under Sections 397 and 401 of Code of Criminal Procedure, praying to call for the records on the file of the learned Judicial Magistrate, Uthangarai, Krishnagiri District in Crl.M.P.No.2541 of 2024 and set aside the order dated 19.07.2024.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This revision has been filed challenging the dismissal of the petitioner's application for return of car which is said to have been involved in the screening of the offence of murder.



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2. It is the case of prosecution that the petitioner is one of the accused in Crime No.511 of 2022 for the offences under Section 147, 148, 120B, 201, 302 & 450 of I.P.C. and the car bearing Registration No.TN 24 AL 3130 was seized by the respondent police. During investigation, it was found that the car was used by the accused persons for taking the body of the deceased and for disposing the body.

3.The learned counsel for petitioner would submit that since the car is kept idle in an open place and it is exposed to rain and sun which would diminish its value and therefore, the petitioner may be permitted to take return of the car and undertook to abide by any stringent conditions imposed by this Court.

4.The learned Additional Public Prosecutor, per contra, submitted that earlier, the Trial Court had dismissed the petition filed by the petitioner under Section 451 Cr.P.C and the petitioner had filed Crl.RC No.1430 of 2023 and this Court, by order dated 31.08.2023 had dismissed the revision since the investigation was not completed.



5. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the records.

6. It is reported by the learned counsel for the petitioner as well as learned Additional Public Prosecutor that the final report has been filed and PRC number has been assigned to the case. The car was seized by the respondent police and since then, it is in the custody of the respondent and is kept at the police station. It is also not in dispute that the car is kept idle in an open place. The Hon'ble Supreme Court and this Court have repeatedly held that the vehicles cannot be allowed to be kept in an open place and subjected to vagaries of the weather and that the property can be returned to the proper persons entitled custody on stringent conditions, pending disposal of the trial.

7. The petitioner is the owner of the car. Admittedly, since there is a change in circumstances pursuant to the earlier dismissal order passed by this Court namely the investigation has been completed, this Court is inclined to return the car to the petitioner. In view of the same, the impugned order dated 19.07.2024 passed by the learned Judicial Magistrate, Uthangarai,



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Krishnagiri District in Crl.M.P.No.2541 of 2024 is set aside. The trial Court is directed to return the car to the petitioner on condition that the petitioner shall execute a bond for a sum of Rs.2,00,000/- with two sureties for the likesum and on further condition that the petitioner shall file an affidavit of undertaking before the learned Judicial Magistrate, Uthangarai that he will not further alienate, encumber or tamper the vehicle and he shall produce the vehicle as and when directed by the trial Court.

8. With the above directions, the Criminal Revision Case is allowed.

08.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
rgr

To

- 1.The Sub Inspector of Police,
Uthangarai Police Station,
Krishnagiri District
- 2.The Judicial Magistrate,
Uthangarai.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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