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*Crl.R.C. No. 1666 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2024

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**THE HON'BLE MR. JUSTICE M.NIRMALKUMAR**

Crl.R.C. No. 1666 of 2024

Pugazhenth

..Petitioner

Vs.

State rep.by  
The Sub Inspector of Police,  
Virudhachalam Police Station,  
Cuddalore District.

..Respondent

Prayer: Criminal Revision under Section 397 r/w 401 IPC to set aside  
the order dated 04.04.2024 passed in Crl.M.P. No. 5897 of 2024 in Crime  
No. 435/2023 by the learned Judicial Magistrate No.1, Viridhachalam.

For Petitioner :: Mr.M. Selvam

For Respondent :: Mr.A. Damodaran,  
Addl. Public Prosecutor

O R D E R

Criminal Revision Petition No. 1666 of 2024 has been filed by the



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owner/A7 in Crime No.435 of 2023 challenging the order dated 04.04.2024 passed by learned Judicial Magistrate No.1, Vridhachalam dismissing Crl.M.P. No. 5897 of 2024 seeking interim custody of the Scooty bearing Registration No.TN 91 AX 8185.

2. The contention of the learned counsel for the petitioner is that petitioner is A7 in this case. With regard to a panchayat election, two groups had exchanged blows. As a follow up, on 08.09.2023, when the de facto complainant was stated to be standing near his land, A1 to A5 had come in two two-wheelers bearing Registration Nos. TN 91 AX 8485 & TN 91 V 6312, wielding pistol, Veecharuval and knife and aimed at the complainant. The complainant tried to escape in his car. But, the accused persons stopped him, abused him in filthy language, shot the complainant on his left side hip, damaged the car with deadly weapons and attacked the complainant. Thereafter, the accused escaped from the scene of occurrence. On registration of the case, on 09.09.2023, A1 to A8 were arrested and their confession statements were recorded and they were produced before learned Judicial Magistrate No.1, Virudhachalam. On 10.09.2023, A10 and A11



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were arrested. It is further stated that in this case, on 22.09.2023, A12 and A13 were arrested and some recoveries are said to have been made. Later, on the death, the case was altered to one under Sections 147, 148, 302, 307, 120(B) IPC Sections 3 & 4 of Explosive Substances Act, 1908 and Section 25(1)(a) and 27(i) of Arms Act, 1959. The seized articles were produced before the Magistrate. The learned counsel would submit that under Section 451 Cr.P.C., the seized property need not remain in Police or Court custody for a longer time than it is absolutely necessary and if a proper panchanama is prepared, the same can be used in evidence instead of production of the property in question before the Court during trial. Hence, the learned counsel would seek to set aside the order under challenge.

3. Learned Additional Public Prosecutor has filed counter and objected to return of the property and submitted that in this case, for the attack, 3 vehicles have been used and the petitioner's two wheeler is one of them. Further, in this case, on the arrest of some of the accused, pistols and bullets were recovered. The petitioner is admittedly an accused in this case and he along with others had committed the grievous offence. Learned Additional Public Prosecutor would submit that if the vehicle is returned



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when the case is pending investigation, it would affect the investigation

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**M. NIRMALKUMAR,J.**

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proceedings.

4. Considered the submissions and perused the materials on record.

5. It is seen that the petitioner's vehicle has been used in the commission of grievous offence and the petitioner is also an accused in this case. In such circumstances, this Court does not find any infirmity in the reasoning given by the Trial Court to dismiss the petition seeking interim custody. Hence, the revision fails and the same is dismissed.

19.10.2024

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To

1. The Court of Judicial Magistrate No.1,  
Virudhachalam.
2. The Sub Inspector of Police,  
Virudhachalam Police Station,  
Cuddalore District.

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3. The Public Prosecutor,  
High Court, Madras.