



Crl.R.C.(MD)No.40 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.01.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.(MD)No.40 of 2024

P.Krishnamoorthy

.. Petitioner

Vs.

The State,
rep. by The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.
Crime No.155 of 2023

... Respondent

PRAYER : Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the order passed in Crl.M.P.No.13499 of 2023 in FIR.No.155 of 2023 dated 01.11.2023 by the learned Judicial Magistrate No.I, Virudhunagar and set aside the same and direct the respondent to return the



Crl.R.C.(MD)No.40 of 2024

motorcycle bearing Registration No.TN 63 AE 6602 (viz., Bajaj Pulsar 150 CC Blue Color) as interim custody pending trial.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondent : Mr.A.Thiruvadi Kumar,

Additional Public Prosecutor

ORDER

Challenging the order passed by the learned Judicial Magistrate No.I, Virudhunagar in Crl.M.P.No.13499 of 2023 dated 01.11.2023, the present Criminal Revision has been filed by the petitioner for return of his vehicle viz., Motor Cycle bearing registration No.TN 63 AE 6602 as interim custody pending trial.

2. The petitioner is the owner of the vehicle, which is alleged to have been involved in the crime. It is stated by the petitioner that when the vehicle was parked in front of his house, it was stolen by unknown accused. The petitioner has lodged a complaint.



Crl.R.C.(MD)No.40 of 2024

Subsequently, the vehicle was seized by the respondent police and produced before the learned Judicial Magistrate No.I, Virudhunagar.

The petitioner has filed a petition before the concerned Magistrate under Section 451 of the Criminal Procedure Code for return of vehicle and the same was dismissed mainly on the ground that the counsel had not represented the case on the hearing date. Aggrieved over the same, the present Criminal Revision Case has been filed by the petitioner.

3. The learned Additional Public Prosecutor submitted that the matter was dismissed on the ground of non-representation by the counsel and hence, he has no objection to set aside the order and dispose the same on merits.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. Considering the facts and circumstances of the case and also taking note of the fact that without providing any opportunity to



Crl.R.C.(MD)No.40 of 2024

the petitioner, the Cr.M.P.No.13499 of 2023 was dismissed for non-prosecution, which is not sustainable in law and is in clear violation of principles of natural justice. Hence, on the said sole ground, the present impugned order is set aside and the matter is remanded back to the learned Judicial Magistrate No.I, Virudhunagar. The learned Judicial Magistrate No.I, Virudhunagar, is directed to hear the petitioner, provide opportunity to the learned Additional Public Prosecutor and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, the Criminal Revision Case is disposed of.

19.01.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM

Note : Issue Order copy on 22.01.2024



Crl.R.C.(MD)No.40 of 2024

Copy to

WEB COPY

1.The Judicial Magistrate No.I,
Virudhunagar.

To

1.The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.R.C.(MD)No.40 of 2024

M.DHANDAPANI, J.

RM

Crl.R.C.(MD)No.40 of 2024

19.01.2024