WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.08.2024

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

Crl. A.(MD)No.528 of 2024

Manavarose ... Appellant

Vs.

1.State rep. By
The Deputy Superintendent of Police,
Thoothukudi Town,
Thoothukudi District.

2.The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.

3.Mugeshkannan ... Respondents

Prayer : This Criminal Appeal is filed under Section 14(A)(2) of SC/ST (POA) Amendedment Act 2015 as amended by Act 1 of 2016, to call for the records pertaining to the impugned order passed in Crl.M.P.No.427 of 2023 in S.C.No.35 of 2022 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi, dated 24.04.2024 in connection with the Crime No.420 of 2022 on the

https://www.mhc.tn.gov.in/judis

WEB COPY

file of the respondent police and set aside the same and direct to release the appellant's two wheeler bearing registration No.TN 69 BJ 1229 (Honda CB Shine Geny Grey Metalic Colour).

For Appellant : Mr.P.Rajesh
For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor for R1 and R2

JUDGMENT

This Criminal Appeal has been filed to call for the records pertaining to the impugned order passed in Crl.M.P.No.427 of 2023 in S.C.No.35 of 2022 on the file of the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi, dated 24.04.2024 in connection with the Crime No.420 of 2022 on the file of the respondent police and set aside the same and direct to release the appellant's two wheeler bearing registration No.TN 69 BJ 1229 (Honda CB Shine Geny Grey Metalic Colour).

2. The learned counsel for the appellant submitted that the appellant is the owner of the two wheeler, bearing Registration No.TN 69 BJ 1229 (Honda CB Shine Geny Grey Metalic Colour). The respondent seized the vehicle on the allegation that the appellant has used the vehicle in the case of murder in Crime No.420 of 2022 registered for the offences under Sections 147, 148, 341, 294(b), 302, 506(ii), 120(b)

https://www.mhc.tn.gov.in/judis

WEB COPY

r/w 34 IPC and 3(2)(v) of SC/ST (POA) Act. The appellant claiming himself as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Cr.M.P.No.427 of 2024, before the Special Court for Trial of Cases under SC/St (POA) Act, Thoothukudi, for return of vehicle and the same was dismissed on 24.04.2024, on the ground that the vehicle is involved in the case of murder. Challenging the same, the present Criminal Appeal is filed before this Court.

3. The learned counsel appearing for the appellant would submit that the appellant in an innocent and he is no way connected with the offences alleged against the appellant and the vehicle was never involved in the murder case and the respondent police without verifying the same has foisted the above false case.

4. On the earlier occasion (i.e) on 21.08.2024, when the matter was taken up for hearing, this Court called for report from the trial Court with regard to the stage of the trial process and whether the vehicle is marked on the side of the prosecution.

5. Today, report is received from the trial Court shows that the trial is not yet commenced and one of the accused is absconding and warrant has been issued against him. Now, the vehicle is under the custody of the respondent police station.

6. The learned Additional Public Prosecutor appearing for the respondent police submitted that the appellant is the first accused in the murder case and the vehicle is also involved in the murder case.

https://www.mhc.tn.gov.in/judis

WEB COPY

7. Heard the learned counsel appearing for the appellant's and the Additional Public Prosecutor appearing for the respondent.

8. The vehicle is kept in the open place from the year 2022. Further, if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated. Considering the over all circumstances of the case, this Court is inclined to allow the Criminal Appeal, the order of the learned Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi, made in Cr.M.P.No.427 of 2024, dated 24.04.2024 is set aside and the Special Court for Trial of Cases under SC/ST (POA) Act, Thoothukudi is directed to release the appellant's vehicle by following proper procedure, after remanding the vehicle and assigning RPR number. The appellant is directed to file an undertaking affidavit to the effect that he will not alter or change the vehicle. The appellant shall execute a bond to the satisfaction of the concerned Court to be fixed by its own discretion and the appellant shall produce his vehicle as and when required by the Courts.

28.08.2024

Index : Yes/No
Internet : Yes/No
tta

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1. The Special Court for Trial of Cases under SC/ST (POA) Act,
   Thoothukudi.

2.The Deputy Superintendent of Police,
   Thoothukudi Town,
   Thoothukudi District.

3.The Inspector of Police,
   Thoothukudi North Police Station,
   Thoothukudi District.

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

https://www.mhc.tn.gov.in/judis

WEB COPY

G.ILANGOVAN,J

tta

Crl. A.(MD)No.528 of 2024

https://www.mhc.tn.gov.in/judis

WEB COPY

28.08.2024

https://www.mhc.tn.gov.in/judis