



Crl.R.C.(MD)No.697 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.697 of 2024

Rajapandi

... Petitioner/Petitioner

Vs.

State rep. By
The Inspector of Police,
Keelavalavu Police Station,
In Crime No.92 of 2024

... Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records and set aside the order passed in Crl.M.P.No. 2026 of 2024 on the file of the learned Judicial Magistrate, Melur dated 21.05.2024 by allowing this revision petition.

For Petitioner : M/s.B.kalpana

For Respondent : Mr.B.Thanga Aravindh
Government Advocate(Crl.side)
* * * * *

ORDER

This criminal revision case has been filed to set aside the order passed in Crl.M.P.No.2026 of 2024 on the file of the learned Judicial Magistrate, Melur dated 21.05.2024 by allowing this revision petition.



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2.The petitioner is the owner of the vehicle bearing Registration No.TN-59-C-0018(Maruthi Swift Car). Due to some motives, the accused came by another car and assaulted with country made bomb on the petitioner relatives and others. In the said occurrence, the number of persons have sustained injuries and the respondent police registered a case in Crime No.92 of 2024 under Sections 147, 148, 294(b), 326, 307 & 3 of Explosive Substance Act & r/w 3(1) of TNPPDL Act. At this stage, the owner of the property had filed the petition under Section 457 Cr.P.C. r/w 451 of Cr.P.C., seeking interim custody of the vehicle.

3.It is not in dispute that the petitioner has approached the learned Judicial Magistrate, Melur, for returning of the said vehicle in Cr.M.P.No.2026 of 2024 and the learned Judicial Magistrate, Melur, vide order dated 21.05.2024, has dismissed the petition. Challenging the same, the above Criminal Revision came to be filed before this Court.

4.The learned counsel appearing for the petitioner would submit that the petitioner's vehicle was never involved in any illegal activity. He alone sustained injuries in the said occurrence and he is entitled to get interim custody.



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5.The learned Government Advocate(Crl.Side) on instructions submits that there was no dispute relating to the car belonging to the brother of the petitioner.

6.This Court considered the rival submissions and also perused the records and the impugned order.

7.In this case, the vehicle was seized on 21.04.2024. The vehicle is keeping in the open place from 21.04.2024 onwards. 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 revision by following the principle of law laid down by the Honourable Supreme Court, in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat*** reported in ***2002 (10) SCC 283***.

8.Accordingly, this Criminal Revision Petition is disposed of and the order dated 21.05.2024 in Cr.M.P.No.2026 of 2024 on the file of the learned Judicial Magistrate, Melur, is hereby set aside and the learned Judicial Magistrate, Melur, is directed to release the vehicle of the petitioner forthwith



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on the following conditions:-

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(i)the petitioner shall execute a bond to the value of the vehicle mentioned in the insurance certificate existed on the date of occurrence before the learned Judicial Magistrate, Melur;

(ii)The petitioner shall file an affidavit with specific undertaking that they shall not involve in any illegal activities or any other offence and alienate the same.

(iii)The photograph of the vehicles is to be taken properly and the petitioner shall produce their vehicles as and when required by the Courts below.

23.07.2024

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

RJR

Note: Issue Order copy on 29.07.2024



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To

- 1.The learned Judicial Magistrate, Melur.
- 2.The Inspector of Police,
Keelavalavu Police Station,
Melur, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

RJR

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