



Crl.A(MD)No.560 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.07.2025

CORAM :

THE HONOURABLE Dr. JUSTICE R.N.MANJULA

Crl.A(MD)No.560 of 2025

Samuel

... Appellant/Petitioner

Vs.

1.The State of Tamilnadu
rep. by Deputy Superintendent of Police,
Srivaikundam Sub Division,
Alwarthirunagari Police Station,
Thoothukudi District
(Crime No.35/2024)

...1st Respondent/Complainant

2. Sudalaimani

... 2nd Respondent/Complainant

3.Pon Soma Rajeswari

...3rd Respondent

(R3 is *suo-motu* impleaded as per
the order of the court dated 02.06.2015 in Crl.A(MD)No.560 of 2025)

PRAYER: Criminal Appeal filed under Section14(A)(2) BNSS to call
for the entire records by setting aside the order passed in Cr.M.P.No.1107
of 2024 by the Special Court for Trial of Cases under SC/ST(POA) Act,
Thoothukudi dated 10.10.2024.

For Appellant : Mr.M.Pandian

For R1 : Mr.K.Gnanasekaran

Government Advocate (Crl.side)



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JUDGMENT

This appeal has been preferred against the order of dismissal made in Cr.M.P.No.1107 of 2024 on the file of the Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi.

2. The petitioner, who claims to be the owner of the vehicle has filed a petition before the lower court for interim custody of the vehicle bearing Reg.No. TN-72-J-6028, which was involved in the case in Crime No.35 of 2024. The said petition was dismissed by the lower court on the observation that the vehicle has not been registered in the name of the petitioner. Hence, this appeal is filed.

3. The learned counsel for the appellant submitted that he has purchased the said vehicle from the original owner and he had furnished the documents such as Form 29, 30, sale agreement and insurance copy before the court to show that he had transferred the ownership of the disputed vehicle. The learned trial Judge without considering the said documents dismissed the petition.



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4. The learned counsel further submitted that while registering the vehicle in his name, the complaint has been given and if the custody of the vehicle is given to him, he would immediately register the vehicle in his name and he would produce the vehicle for investigation during trial.

5. The learned Government Advocate (Crl.side) submitted that the trial Judge has rightly dismissed the petition since the name in the R.C book of the vehicle has not been changed. He prays for dismissal of this appeal.

6. Heard both sides and perused the materials available on record.

7. On hearing the above submissions and on perusing the materials, I do not find any shortsightedness in the order dated 10.10.2024 passed by the Special Court for Trial of Cases under SC/ST(POA) Act, Thoothukudi, in Cr.M.P.No.1107 of 2024 which warrants interference by this Court.



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8. However, the petitioner is at liberty to trace the owner of the vehicle from whom the petitioner has purchased the vehicle and do the needful to present it for registration in his name and after name transfer has been effected, the petitioner can file another petition before the concerned court seeking interim custody of the vehicle.

9. Granting such liberty, this appeal is disposed of.

09.07.2025

Index : Yes/No
Internet : Yes/No
CM

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

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



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R.N.MANJULA, J

CM

Judgment made in
Crl.A(MD)No.560 of 2025

09.07.2025