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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2015

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

CrI.R.C.(MD)NOS.485 and 486 of 2014

CrI.R.C.(MD)NO.485 of 2014

Chidambaram

.. Petitioner/Petitioner

Vs.

State represented by
The Inspector of Police,
Rajadhani Police Station,
Theni District.
(Crime No.214 of 2014)

... Respondent/Complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records of the learned District Munsif cum Judicial Magistrate, Aundipatti in Cr.M.P.No.12144 of 2014, dated 16.10.2014 and set aside the same and further direct the learned District Munsif cum Judicial Magistrate, Aundipatti to grant interim custody of Farmtrac Trailer bearing Registration No.TN-60-F-8708 to the petitioner.

CrI.R.C.(MD)NO.486 of 2014

Shanthi

.. Petitioner/Petitioner

Vs.

State represented by
The Inspector of Police,
Rajadhani Police Station,
Theni District.
(Crime No.214 of 2014)

... Respondent/Complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records of the learned District Munsif cum Judicial Magistrate, Aundipatti in Cr.M.P.No.12145 of 2014, dated 16.10.2014 and set aside the same and further direct the learned District Munsif cum Judicial Magistrate, Aundipatti to grant interim custody of Farmtrac Tractor bearing Registration No.TN-60-H-3117 to the petitioner.

For Petitioner
in both cases

: Mr.P.Sengutturasan

For Respondent
in both cases

: Mr.P.Kandasamy
Government Advocate (CrI.side)

**COMMON ORDER**

Since these two Revisions arising out of proceedings relating to return of Tractor and Trailer concerned in Cr.No.214 of 2014, registered by the respondent, these revisions are taken up together and disposed of by this common order.

2. The petitioner in Crl.R.C.(MD)No.485 of 2014 is the owner of the Tractor bearing Registration No. TN-60-F-8708 and the petitioner in Crl.R.C.(MD)NO.486 of 2014, who is the wife of the petitioner in Crl.R.C.(MD)No.485 of 2014, is the owner of the Trailer bearing Registration No.TN-60-H-3117 and both vehicles were said to have been involved in the commission of offences under Section 379 I.P.C. and Section 21(iv) of Mines and Minerals (Regulation and Development) Act. The respondent has registered a case in Cr.No.214 of 2014 against them, for the commission of the above said offences and both Tractor and Trailer were, seized. The petitioners herein filed Cr.M.P.No.12144 of 2014 and Cr.M.P.No.12145 of 2014 respectively for return of Tractor and Trailer and both the petitions were dismissed by a separate order, dated 16.10.2014, on the ground that both the vehicles were already involved in the case in Cr.No.231 of 2013, registered by Aundipatty police station. The petitioners aggrieved by the said orders dated 16.10.2014 had filed these revisions.

3. The learned Counsel appearing for the petitioners would submit that the petitioners are falsely implicated and they have nothing to do with the alleged commission of offences and on account of previous enmity only, the present false case came to be registered and the vehicles were seized. It is further submitted by the learned Counsel for the petitioners that the petitioners are the owners of the patta land and they dig and removed the sand for their own personal use and the prosecution has filed the case, as if they illegally transported the sand and hence, prays for interim custody of the Tractor and Trailer. The petitioners are willing to abide by any conditions imposed by this Court in this regard.

4. Per contra, the learned Government Advocate(Crl.side) would submit that since the same vehicles were involved in the similar commission of offence, a case in Cr.No.231 of 2013 has been registered by the Aundipatty Police station and the learned Judicial Magistrate has rightly dismissed the petitions.

5. This Court, after hearing the rival contentions made by the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent, is of the view that both the revisions have to be ordered and the Tractor and Trailer to be returned to the respective petitioners, subject to certain conditions.

6. It is the submission made by the learned Counsel for the petitioners that they made an attempt to transport the sand from their own patta land and on account of previous enmity with the police, the articles were seized and they were kept in open space and since both vehicles are required for agricultural operation and on account of seizure; their livelihood is affected.



7. This Court, on being satisfied with the reasons, is inclined to order return of vehicles, subject to certain conditions.

8. In the result, both the Criminal Revision cases are allowed and the impugned orders dated 16.10.2014, made in Cr.M.P.No.12144 of 2014 and Cr.M.P.No.12145 of 2014 are set aside and the Tractor bearing Registration No. TN-60-F-8708 and the Trailer bearing Registration No. TN-60-H-3117 are directed to be returned to the respective petitioner, subject to the following conditions:

(i) The petitioner in Cr.M.P.No.12144 of 2014 (Crl.R.C.(MD)No.485 of 2014) is directed to execute a personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Aundipatti, Theni and the petitioner in Cr.M.P.No.12145 of 2014 (Crl.R.C.(MD)No.486 of 2014) is directed to execute a personal bond for a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) with two sureties for a likesum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Aundipatti, Theni; and they shall not alienate or encumber or alter the features of the vehicles.

(ii) The petitioners shall produce the vehicles before the respondent police on the first working day of every English calendar month at 11.00a.m. till the completion of investigation.

Sd/-

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Munsif cum Judicial Magistrate,
Aundipatti, Theni District.
2. The Inspector of Police,
Rajadhani Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.P.Senguttuarasan, Advocate, SR.No.4789

Crl.R.C.(MD)NOS.485 and 486 of 2014
30.01.2015

SSL

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