

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Criminal Revision No.787 of 2017

Perumal

.. Petitioner

Vs

State: Rep. by
the Inspector of Police,
Vellore Taluk Police Station,
Vellore District.
(Crime No.39/2017)

... Respondent

Prayer:-

This Criminal revision is filed under Section 397 & 401 of Cr.P.C., to call for the records pertaining to the order dated 11.05.2017 made in C.M.P.No.733 of 2017 by the learned Judicial Magistrate No.I, Vellore to release the vehicle bearing Registration No.TN-27-Z-5479, Engine No.KWE 185340, Chasis No.KWE302891.

For petitioner : Ms.Nirmal Krishnan

For Respondent : Mr.R.Ravichandran
(Govt. Advocate (Crl. side))

O R D E R

Challenging the dismissal order dated 11.05.2017 passed in C.M.P.No.733 of 2017 by the learned Judicial Magistrate No.I, Vellore, the present criminal revision has been filed by the petitioner.

2. The case of the prosecution in brief is as follows:-

The petitioner claims to be the owner of the lorry bearing Registration No.TN-27-Z-5479, Engine No.KWE 185340, Chasis No.KWE302891, which has been seized by the respondent police in

Crime No.39 of 2017 for the offences under Sections 379, 430 IPC and r/w Section 21(1) of Mines & Minerals (Development & Regulation) Act, 1957 for transporting three units of sand illegally from Palaru river, in which the petitioner is also involved. The vehicle was seized by the respondent police on 07.02.2017. Subsequently, the petitioner filed a petition in CrI.M.P.No.733 of 2017 seeking return of the vehicle. The court below, dismissed the said petition stating that the petitioner is an habitual offender, as he had already involved in the similar offence in Cr.No.96 of 2017. Hence, the present criminal revision.

3. Heard Mr.C.Nirmal Krishnan, learned counsel appearing for the petitioner and Mr.R.Ravichandran, Government Advocate (Crl. side) appearing for the respondent.

4. The learned counsel for the petitioner submits that even though the vehicle was seized on 07.02.2017, so far, the respondent police had not taken any action nearly for three months and the vehicle is in custody with the police and is exposed to Sun and rain and the petitioner undertakes that he will not involve in any crime in future.

5. Considering the fact that till date no action has been taken by the respondent and the vehicle was also seized nearly three months ago, which is in rain and shine, I am inclined to return the vehicle to the petitioner.

6. In the circumstances above stated, the Learned Judicial Magistrate No.I, Vellore, shall direct the Inspector of Police, Vellore Taluk Police Station, Vellore District, to return the vehicle to the petitioner on fulfilling the following conditions:

" i. the petitioner shall prove his ownership of the vehicle by producing the R.C.Book and other relevant records;

ii. the petitioner shall not alienate or encumber the vehicle in any manner;

iii. the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees twenty thousand only) before the learned Judicial Magistrate No.I, Vellore;

iv. the petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future,

v. the petitioner shall take photograph of the vehicle;

vi. the petitioner shall also produce the vehicle as and when required before the court below and before the respondent police; and

vii. if the petitioner involves in similar offence, in future the lorry will be permanently seized and will not be returned."

7. The Criminal Revision is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cla

To

1. The Judicial Magistrate No.I,
Vellore.
2. The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.
(Crime No.39/2017)
3. The Public Prosecutor,
High Court, Madras.

+1cc to Ms.Nirmal Krishnan, Advocate, S.R.No.41675

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Cr1.R.C.No.787 of 2017

PA(CO)
CS/04/07/17