

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2017

Coram

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

Crl. Revision Case No.897 of 2017

Perumal

... Petitioner

vs

The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.

... Respondent

Prayer: Criminal Revision Petition has been filed under Section 397 read with 401 of the Code of Criminal Procedure to call for the records to the order made in CMP No.1119/2017 by the Learned Judicial Magistrate No.I, Vellore and set aside the same and directing the Judicial Magistrate No.I, Vellore to release the vehicle bearing Registration No.TN 23 AB 5890, Engine No.BLE342371, Chassis No.BLE461542.

For Petitioner : Mr. G.Nirmal Krishnan

For Respondent : Mr. R.Sekar,
Government Advocate
(Crl.Side).

ORDER

This Criminal Revision Petition has been filed against the order passed by the learned Judicial Magistrate, No.I, Vellore in CMP No.119 of 17 dated 11.05.2017.

2. By the said order, the learned Judge has rejected the petition filed, to release the vehicle, Ashok Leyland Tipper Lorry bearing Registration No.TN 23 AB 5890, (Engine No.BLE342371, Chassis No.BLE461542), to the petitioner.

3. The reason for rejection of the petitioner's application by the lower court is that, the petitioner is an accused in yet another case of similar offence, in Crime No.39 of 2017, which is also pending for adjudication. The petitioner had also sought for return of another vehicle in Crime No.96 of 2017. Therefore, it can be construed that the petitioner is habitually indulging in theft of river sand by using the Tipper lorries owned by him. For this reason, the learned Judge has rejected the application filed by the petitioner.

4. Heard both sides.

5. Mr.R.Sekar, the learned Government Advocate (Criminal side) opposed the present move of the petitioner by stating that since the petitioner is involved in yet another case of sand theft where also,

his yet another vehicle is involved, he could be treated as habitual offender of this nature and therefore, if the vehicle is released, he would indulge in such activities in future also. Therefore, the learned Government Advocate (Criminal side) would submit that the rejection made by the learned Judge is absolutely justifiable, and no interference is warranted.

6. I have heard the submissions made by both sides.

7. It is informed by the learned Government Advocate that the vehicle in question is worth about Rs.15,00,000/-. If the said vehicle is kept idle till the disposal of the case before the trial court, then ultimately, the value of the vehicle could get diminished as it is a running motor vehicle. Therefore, instead of keeping the vehicle idle, this court is of the view that, it could be released on getting valid security. The entire value of the vehicle is for Rs.15,00,000/-. The learned Government Advocate has stated that if the petitioner comes forward to give property security for the entire value of Rs.15,00,000/- and on that condition, the vehicle could be released.

8. Considering the submissions made by both sides, I am inclined to pass the following order:

(i) The vehicle in question bearing Registration No.TN 23 AB 5890, Engine No.BLE342371 and Chassis No.BLE461542 shall be

released to the petitioner, on the petitioner furnishing security by depositing the title deeds of land or house property worth Rs.15,00,000/- in the court below and also

(ii) the petitioner shall execute a bond that the vehicle shall not be sold or encumbered in any manner till the completion of the trial.

9. With these conditions, the vehicle in question shall be released by the court below, by adopting other usual formalities.

With these directions, the Criminal Revision Case is disposed of.

06.07.2017

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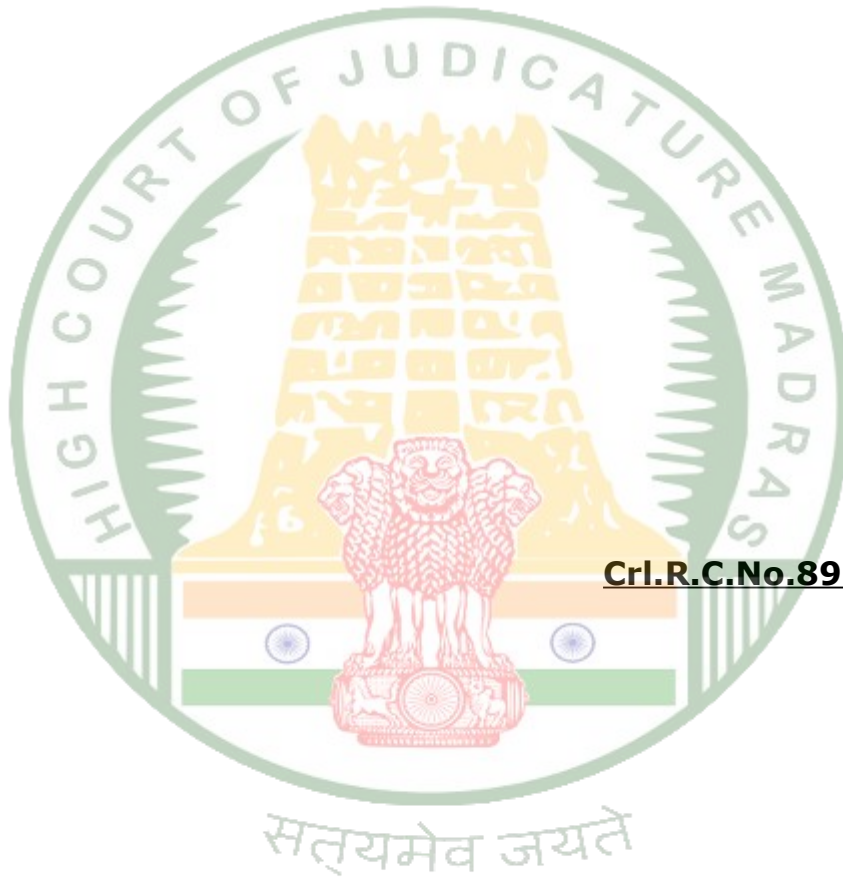
To

The Judicial Magistrate No.I,
Vellore.

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R.SURESH KUMAR, J.

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