



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE B.GOKULDAS

Crl.R.C.(MD).No.40 of 2017

C.Muniyaraj,
S/o.Chinnamariappan,
Anaikaraipatti,
Sattur Taluk,
Virudhunagar District.

.. Petitioner/Petitioner

Vs.

State rep. By
Inspector of Police,
Ammapatti Police Station,
Virudhunagar District.
(Cr.No.56 of 2015)

.. Respondent/Complainant

Prayer:- Criminal Revision petition is filed under Section 397 r/w 401 Cr.P.C. to call for the records of the learned Judicial Magistrate, No.II, Sattur in Cr.M.P.No.6977 of 2016, dated 03.01.2017 and to set aside the same and further direct the learned Judicial Magistrate No.II, Sattur to grant interim custody of vehicle viz., TATA 207/31 Ex-CLB bearing Registration No.TN76C 0025 to the petitioner.

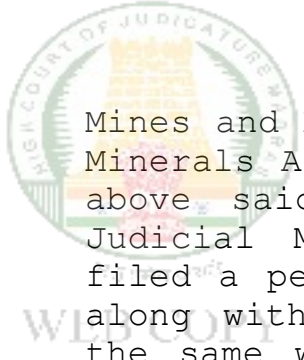
For Petitioner	:Mr.P.Saravanakumar
For Respondent	:Mrs.S.Prabha (Crl.Side) for R1 Government Advocate

ORDER

This criminal revision petition is filed to call for the records and proceedings relating to the order passed in Cr.M.P.No.6977 of 2016, dated 03.01.2017 and to set aside the same.

2. Learned counsel on either side present and heard.

3. According to the petitioner, on 11.04.2015 at about 3.30 a.m, when the respondent police conducted a secret raid, the petitioner's vehicle namely TATA 207/31 Ex-CLB, bearing Registration No.TN76C 0025 was found in possession of sand without any valid permit. It was seized by the respondent Police for the alleged offence and in this regard, a case was registered in Cr.No.56 of 2015 for the offence under Sections 379, r/w 21(1) of



Mines and Minerals Act @ 379 r/w 109 I.P.C and 21(1) of Mines and Minerals Act. The respondent police had produced and remanded the above said vehicle in P.R.No.207 of 2016 before the learned Judicial Magistrate, No.II, Sattur. Immediately the petitioner filed a petition in Cr.M.P.No.6977 of 2016 for return of vehicle along with relevant documents to substantiate his ownership and the same was dismissed by the learned Magistrate concerned vide order dated 03.01.2017. Hence, the petitioner is before this court for the above stated relief.

4. The only objection of the learned Government Advocate is that the petitioner was involved in some other Crime with some other vehicle. The learned Government Advocate also concedes that the property as per the records belongs to the petitioner. Except that objection nothing have put forth by the learned Government Advocate.

5. In these circumstances, this Court has no other option except to order the return of the vehicle which was remanded in P.R.No.207 of 2016, dated 09.06.2016 by the learned Judicial Magistrate, No .II, Sattur, on proper identification and on execution of bond to the value of the vehicle with all other conditions.

6.Considering the facts and circumstances of the case and also following the above said decision, this Court is inclined to grant the relief of return of vehicle to the petitioner as interim custody and hence, the order passed by the learned Judicial Magistrate, No.II, Sattur in Cr.M.P.No.6977 of 2016 in C.C.No.22 of 2016, dated 03.01.2017 is set aside and the interim custody of the vehicle namely TATA 207/31 Ex-CLB, bearing Registration No.TN76C 0025, which was seized by the first respondent police in Crime No.56 of 2015, is directed to be given to the petitioner on the following conditions:-

- 1.The petitioner shall produce proof of ownership of the vehicle.
- 2.The Petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties to the satisfaction of the learned Judicial Magistrate, No.II, Sattur.
- 3.The petitioner shall surrender the R.C. Book and the learned Judicial Magistrate, No.II, Sattur, is at liberty to return the R.C.Book for renewal of the registration or for insuring the vehicle. The R.C.Book can be obtained from the Court by filing a petition and after accomplishment of the purpose, the same should be returned to the Court; and
- 4.The petitioner shall also filed an affidavit of undertaking to

<https://hcservices.courts.gov.in/services> that-

- i)he will not alienate the vehicle without obtaining an order from the learned Judicial Magistrate, NO.II, Sattur

ii) he will produce the same vehicle before the Court as and when summoned to produce the same; and
 iii) no major alteration excepting the necessary repairs to make the vehicle road worthy shall be made.

5. The petitioner shall also give an undertaking to produce the vehicle as and when required by the District Collector/Prohibition Officer in-charge of the District or Officer authorized in that behalf by the Government. "

7. The Civil Revision Case stands allowed in the above terms.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
 No.II, Sattur.

2. Inspector of Police,
 Ammapatti Police Station,
 Virudhunagar District.

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

+1cc to M/s. P.KALAIYARAI BHARATHI Advocate in SR. No.7879

VS

JS/BS/28.02.2017/3P-5C

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