



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.08.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C(MD).No.666 of 2017

Vel Kani

... Petitioner/Petitioner/ 3rd party

-Vs-

The State rep. by
The Inspector of Police,
Nazerath Police Station,
Thoothukudi District.
(Crime No.135/2017)

... Respondent/Respondent/Complainant

Prayer : Criminal Revision Case filed under Section 397(1) read with 401 of the Code of Criminal Procedure, to call for the records in Cr.M.P.No.6308 of 2017 on the file of the learned Judicial Magistrate, Sathankulam, Thoothukudi District and set aside the order, dated 08.08.2017 and handover the custody of vehicle viz., Tractor bearing Registration No.TN-69-U-1986; Trailer bearing Registration No.TCF 5265 and the Motor Cycle viz., Hero Honda CBZ bearing Registration No.Tn 69 AW 1986 remanded in P.R.No.148 of 2017 which has been seized by the respondent herein in Crime No.135 of 2017.

For Petitioner : Mr.A.Thiruvadi Kumar

For Respondent : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

O R D E R

Challenging the dismissal order, dated 08.08.2017, passed in Cr.M.P.No.6308 of 2017, on the file of the learned Judicial Magistrate, Sathankulam, Thoothukudi District, for return of the Tractor, Trailer and a two wheeler, the present revision has been filed.

2.The petitioner is the wife of the accused in a criminal case registered in Crime No.135 of 2017, on the file of the respondent police for the offence under Section 379 IPC. The above crime is registered on the ground that a Tractor bearing Registration No.TN-69-U-1986 and a Trailor bearing Registration No.TCF 5265 were involved in transporting one unit of red sand followed by the accused in his two wheeler and when the respondent police intercepted the accused, he claims to be the owner of the two wheeler and the Tractor & Trailor and confessed that he had stolen the red sand from the Government Tank. Hence the respondent police registered a case and seized the Tractor, Trailor and the two



wheeler on 24.06.2017. Thereafter the petitioner filed an application seeking return of vehicles. The same was dismissed by the court below. Challenging the same, the present revision has been filed.

3. I have heard Mr.A.Thiruvadi Kumar, learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor, appearing for the respondent and perused the records carefully.

4. Taking into consideration of the fact that the vehicles were seized on 24.06.2017 and the vehicles are in custody of the police for nearly two months, I am inclined to set aside the impugned order, dated 08.08.2017 and this **Criminal Revision Case stands allowed** and the vehicles, namely Hero Honda CBZ, two-wheeler bearing Regn.No.TN 69 AW 1986, a Tractor bearing Registration No.TN-69-U-1986 and a Tractor bearing Registration No.TCF 5265 are directed to be handed over to the revision petitioner with the following conditions:

i) The Petitioner's and her husband/accused shall produce proof of ownership of the vehicle;

ii) she shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) with two sureties to the satisfaction of the learned Judicial Magistrate, Sathankulam, Thoothukudi District;

iii) she shall surrender the R.C.Book and the learned Judicial Magistrate, Sathankulam, Thoothukudi District is at liberty to return the R.C.Book for renewal of the registration or for insuring the vehicles. The R.C Book can be obtained from the court by filing a petition and after the accomplishment of the purpose, the same should be returned to the court; and

iv) the petitioner and her husband shall also file an affidavit of undertaking to the effect that:

a) they will not alienate the vehicles without obtaining an order from the learned Judicial Magistrate, Sathankulam, Thoothukudi District;

b) they will produce the said vehicles before the Court as and when summoned to produce the same; and

c) no major alteration except the necessary repairs to make the vehicle road worthy shall be made.

5. With the above observation, this Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar (T&P)

/True Copy/



To

1. The Judicial Magistrate,
Sathankulam,
Thoothukudi District.
2. The Chief Judicial Magistrate,
Tuticorin.
3. The Inspector of Police,
Nazerath Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.A.THIRUVADI KUMAR, ADVOCATE IN SR No. 73684

PJL

TE/KP/SAR-I : 06/09/2017 : 3P/6C

Cr1.R.C(MD) No.666 of 2017
22.08.2017