



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2017

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C(MD).No.677 of 2017

S.Mahalingam

.. Petitioner/Petitioner

-Vs-

The State rep. by
The Inspector of Police,
M.Pudhupatti Police Station,
Virudhunagar District.
(Crime No.81/2017)

..Respondent/Respondent

Prayer : Criminal Revision Case filed under Section 397 read with 401 of the Code of Criminal Procedure, to set aside the condition No.6 passed in Cr.M.P.No.5581 of 2017 by the learned Judicial Magistrate, Sivakasi, dated 29.05.2017.

For Petitioner : Mr.G.Thalaimutharasu

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

ORDER

Challenging the condition No.6 of the order dated 29.05.2017, passed in Cr.M.P.No.5581 of 2017, by the learned Judicial Magistrate, Sivakasi, this petition has been filed.

2. The petitioner is arrayed an accused in Crime No.81 of 2017, on the file of the respondent police for the offence under Sections 379, 353, 307 IPC read with 21(1) Mines and Minerals Regulation Act and Section 3 of TNPPDL Act. The above crime is registered on the ground that a Tractor bearing Registration No.TN-67-AP-4368 and a Tractor bearing Registration No. TN-60-E-9366 were involved in transporting one unit of Odai sand and when the respondent police waylaid the accused, without stopping the Tractor the accused hit the two wheeler of the Sub Inspector of Police and flew away from the place of occurrence. Hence the respondent police registered a case and seized the Tractor and Tractor. Thereafter the petitioner filed an application seeking return of vehicle. The same was ordered by the court below with some conditions, wherein the condition No.6, the learned Judicial Magistrate ordered that "the vehicle shall be handed over to the



petitioner by the respondent police subject to the confiscation proceedings by the government." But so far no confiscation proceedings was initiated by the government. Hence, the petitioner could not get the vehicle released. Being aggrieved by the same, the present revision has been filed.

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3. I have heard Mr.G.Thalaimutharasu, 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 since the petitioner submitted that so far no proceeding was initiated for confiscation and the vehicle is in custody of the police, the sixth condition imposed by the Court below in its order, dated 29.05.2017, made in CrI.M.P.No.5581 of 2017 is modified as follows:

"6. The vehicle shall be handed over to the petitioner by the respondent police subject to confiscation proceedings, if any initiated by the authorities".

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

Sd/-

Assistant Registrar(Writ)

/True Copy/

Sub Assistant Registrar

PJL

To

1.The Judicial Magistrate, Sivakasi.

2.The Inspector of Police,
M.Pudhupatti Police Station,
Virudhunagar District.

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

+1 cc to Mr.G.Thalaimutharasu, Advocate Sr.No.74503

JAM/04.09.17/RR-BS/SAR 2/ 2P-5C