



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C (MD) .No.707 of 2017

Guruviah

... Petitioner/Accused No.1

Vs.

The State rep.by
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District
Crime No.179 of 2016.

... Respondent/Complainant

Prayer : Criminal Revision Case filed under Section 397 and 401 Cr.P.C. to call for the records and set aside the order passed by the Judicial Magistrate Court No.II, Sattur in Cr1.M.P.No.3856 of 2017 in C.C.No.318 of 2016 dated 25.07.2017.

For Petitioner : Mr.G.Marimuthu

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

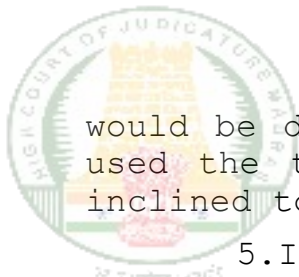
O R D E R

The petitioner is the accused in Crime No.179 of 2016 for the offence under Section 379 IPC on the file of the respondent police. The above crime has been registered on the ground that the petitioner has illegally transported one unit of sand from the river and the tractor and trailer, bearing Registration Nos.TN - 55 - 7128 and TN - 65 - 3035, used for transporting the sand were seized. Thereafter, an application has been filed under Section 451 Cr.P.C., seeking return of the vehicle. The Court below has dismissed the application. Challenging the same, the present Criminal Revision Case has been filed.

2.The learned counsel appearing for the petitioner submitted that the petitioner is an agriculturist and he removed sand only for *bona fide* agricultural purpose and he has not taken the sand for commercial purpose and there is no previous case against the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent submitted that confiscation proceeding is pending before the Revenue Divisional Officer, so far, no order has been passed.

4.Considering the fact that the vehicle in question has been seized on 25.08.2016 and it was kept in the custody of respondent police and if the vehicle is exposed to sun and rain, its value



would be deteriorated and also considering that the petitioner has used the tractor and trailer only for agricultural purpose, I am inclined to release the vehicle.

5. In fine, this Criminal Revision Case is allowed and the impugned order passed in CrI.M.P.No.3856 of 2017 in C.C.No.318 of 2016 by the Court below is set aside and the tractor and trailer, bearing Registration Nos.TN - 55 - 7128 and TN - 65 - 3035, are directed to be handed over to the revision petitioner, on the following conditions:-

i) The Petitioner shall produce proof of ownership of the vehicle;

ii) The Petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) with two sureties to the satisfaction of the Judicial Magistrate Court No.II, Sattur,

iii) The petitioner shall surrender the R.C.Book and the learned Judicial Magistrate Court 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 the accomplishment of the purpose, the same should be returned to the court; and

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

a) he will shall alienate the vehicle without obtaining an order from the Judicial Magistrate Court No.II, Sattur

b) he will produce the said vehicle before the Court as and when summoned to produce the same; and

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

d) he shall produce the vehicle before the Court if any confiscation order is passed.

Sd/-

Assistant Registrar(P & A)

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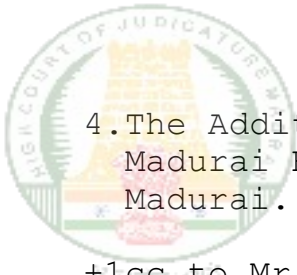
Sub Assistant Registrar

To

1. The Judicial Magistrate No.II, Sattur.

2.-Do-Thro' The Chief Judicial Magistrate, Virudhunagar.

3. The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.



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

+1cc to Mr.M.JOTHI BASU Advocate in SR. No. 76498

MJ

JS/GT/SAR.1/28.09.2017/3P-6C

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