

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.679 of 2018

Anjiyammal

...Petitioner

Versus

State Rep.by Sub-Inspector of Police,
Ambur Taluk Police Station,
Vellore District.
(Crime No.121 of 2018)

...Respondent

PRAYER: The Criminal Revision Petition filed under Section 397 and 401 of the Criminal Procedure Code, to call for the records on the file of the learned Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District in Crl.MP.No.1200 of 2018 dated 07.05.2018 and set aside the order.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.R.Surya Prakash
Government Advocate (Crl.Side)

O R D E R

The petitioner has filed this Criminal revision case seeking, to call for the records in Crl.MP.No.1200 of 2018 dated 07.05.2018 and set aside the order of the learned Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District.

2. The case of the prosecution is that the petitioner is the owner of the vehicle and she is alleged to have allowed the above said vehicle bearing Registration No: No.TN-23-BS-1207 to carry one unit of sand without valid bills and the vehicle has been seized for the offence under Sections 379 and 430 of I.P.C and the respondent / Police registered a case against the petitioner in Crime No.121 of 2018 and produce the property before the learned Additional District Munsif cum Judicial Magistrate, Ambur, Vellore District. In the mean time, the respondent / Police had stated no objection for handing over the above said vehicle, but the Assistant Public Prosecutor vehemently opposed to return the property to the petitioner.

3. The learned Government Advocate (Crl.side) appearing for the respondent has submitted that on the routine check up for preventing the sand smugglers and other offenders at Pachakuppam Palar by the Police, it was found that the petitioner's vehicle driven by two persons, carried one unit of sand without valid bills and also produced the vehicle in accordance with law.

4. Heard, the learned Government Advocate (Crl.side) appearing for the petitioner as well as the learned counsel appearing for the respondent and perused the records.

5. Taking into consideration submissions made by the learned counsel for the petitioner and also the principles laid down by the Apex Court. I am of the considered view that there is no previous antecedent involving the accused in any of the offence and hence I am inclined to grant the interim relief to the vehicle with the conditions.

6. According to the vehicle in question is directed to be returned on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.5,00,000/- with two sureties each to the satisfaction of the trial Court.

(ii) The petitioner shall produce the vehicle as and when required by the Investigating Officer.

(iii) The petitioner should also produce the vehicle before the concerned Jurisdictional Magistrate once in 3 months till the filing of the charge sheet.

(iv) The petitioner shall not alienate the vehicle in any manner till the adjudication proceedings/trial is over.

(v) The petitioner shall give an undertaking that she will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent or the Investigating Officer.

(vi) The petitioner shall attend the enquiry, if any, that is being conducted by the respondent.

(vii) The respondent shall cause photographs of the vehicle to be taken and record panchanama thereof and the photograph taken shall be read as secondary evidence during trial and production of the vehicle shall be dispensed with.

viii) The petitioner shall produce the original R.C for verification before the learned Trial Magistrate.

7. The above order is passed not in detriment to the ownership or other rights in respect of the vehicle in question.

8. Subject to the above conditions, this Criminal Revision Petition is disposed of.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Additional District Munsif cum
Judicial Magistrate,
Ambur,
Vellore District

2.The Public Prosecutor,
High Court, Chennai-104.

3.The Sub-Inspector of Police,
Ambur Taluk Police Station,
Vellore District.

+1cc to Mr.E.Kannadasan, Advocate Sr.45196

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