



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2018

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C. (MD) No.434 of 2018

Mariappan @ Kalluvandi Mari

... Petitioner/Petitioner

Vs.

Tamil Nadu State Govt. rep by its
S.I. of Police,
Seevalaperi P.S.,
Cr.No.34 of 2018

... Respondent/Respondent

PRAYER: Criminal Revision Petition - filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to impugned order passed by learned Judicial Magistrate No.III, Tirunelveli made in Cr.M.P.No.1405 of 2018 dated 18.04.2018 and set aside the same.

For Petitioner : Mr.S.Sundarapandian
For Respondents : Mr.Robinson,
Government Advocate (Crl.Side)

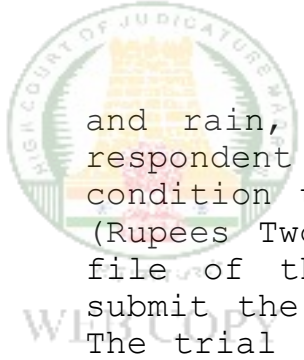
O R D E R

The petitioner has filed this petition seeking return of vehicle bearing registration No.TN 58 B 9496 TATA 407 Mini Tipper Lorry for interim custody.

2.The contention of the petitioner is that the vehicle was seized by the respondent police alleging that the vehicle was used to transport the river sand illicitly.

3.The trial Court had dismissed the petition filed for return of property on the ground that the very same vehicle had been used to transport the river sand on earlier two occasions. After getting interim custody of the vehicle, the petitioner herein has repeated the same crime for the third time and therefore, the vehicle could not be returned.

4.Considering the facts of the case and the judgment of the Hon'ble Supreme Court reported in **AIR 2003 SC 638 in the case of *Sunderbhai Ambalal Desai vs. State of Gujarat***, this Court is of the opinion that instead of keeping the vehicle in idle exposing to sun



and rain, the vehicle may be returned to the petitioner. The respondent is directed to return the vehicle of the petitioner on condition that the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in cash in Cr.M.P.No.1405 of 2018, on the file of the learned Judicial Magistrate No.III, Tirunelveli and submit the original R.C., book of the vehicle to the Court below. The trial Court shall impose any other condition, if necessary and deem fit. If this vehicle is found involved in transport of sand illicitly, the money deposited by the petitioner will be forfeited to the state.

5.This Criminal Original Petition is disposed of, accordingly.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Sub Inspector of Police,
Seevalaperi Police Station.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.S.SUNDARA PANDIAN, ADVOCATE IN SR No. 78400

TA
DS/SKN/SAR-2 : 04/09/2018 : 2P/4C

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