

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 14.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE DR.G.JAYACHANDRAN

Criminal Revision No.291 of 2012

State Rep by
The Station House Officer
Civil Supplies CID
Cuddalore
Cr.No.649 of 2011

Petitioner

Vs

Jayakumar

Respondent

Prayer: Criminal Revision Petition filed under Sections 397 and 401 of Cr.P.C. to set aside the order passed by the Principal Sessions Judge, Cuddalore in Criminal Revision Petition No.58 of 2011 dated 31.01.2012.

For petitioner : Mr. T. Shanmuga Rajeswaran,
Additional Public Prosecutor

For respondent : Mr. S. Sounthar

O R D E R

This revision petition is directed against the order passed by the learned Principal Sessions Judge, Cuddalore in Criminal Revision No.58 of 2011 dated 31.01.2012, directing the petitioner/complainant to return the Vehicle Maruti Omni Van bearing Reg.No. PY 01 R 9523 to the respondent pending disposal of the case registered by Civil Supplies CID, Cuddalore in Cr.No.649 of 2011.

2. The impugned order of the Principal Sessions Judge, Cuddalore directed the revision petitioner to return the vehicle subject to certain conditions, which are incorporated in the impugned Order. The State has preferred this revision petition contending that the vehicle seized by the petitioner was used by the respondent to transport PDS rice. Hence on 21.07.2011, the vehicle was seized while carrying 20 bags of PDS rice from Melpattambakkam to Sornavur. The search of the respondent godown led to recovery of 280 bags of PDS Rice each containing 75 kgs,

95 bags of PDS rice each containing 50 kgs of rice and 11 bags of urad dhal each containing 60 kgs, 140 bags of wheat each containing 50 bags, 20 bags of urad dhal each containing 50 kgs. The vehicle seized carrying 20 bags of PDS rice was sought to be returned by the Vehicle owner. The Magistrate dismissed the application on the ground that the State has initiated the confiscation proceedings and therefore in the interest of justice, the request of vehicle owner to return the vehicle can not be entertained.

3. Against the order of the Judicial Magistrate passed on 10.12.2011, the vehicle owner Jayakumar preferred a Criminal Revision petition No. 58 of 2011 vide order dated 31.01.2012, in which direction has been issued to the respondent State to return the vehicle subject to certain conditions. This order is now impugned in the revision petition.

4. The learned Public prosecutor appearing for the revision petitioner would submit that pending revision petition, the State initiated confiscation proceedings and the District Revenue Officer in his proceedings dated 27.04.2012 had passed an order of adjudication directing the vehicle owner to pay a fine of Rs. 25,000/- in lieu of confiscation. Suppressing this fact, the vehicle owner has approached this court by way of filing Writ petition seeking Mandamus in WP No.26720 of 2012. This Court vide order dated 19.10.2012 directed the State to release the vehicle subject to certain conditions. One of the condition was that the petitioner has to deposit Rs.10,000/- and the release of vehicle will be subjected to the outcome of the adjudication proceedings initiated or to be initiated as against the petitioner. The respondent herein deposited Rs.10,000/- as per the order of this court in WP No.26720 of 2012. The District Revenue Officer vide his proceedings dated 27.11.2012, pursuant to the deposit of Rs.10,000/- ordered release of the vehicle. However, the respondent herein did not take back the vehicle.

5. The learned Counsel appearing for the respondent would submit that though he sent several several communications to his client, he did not receive any instructions from the respondent.

6. In the above background of facts, the grounds of revision perused. The sequence of events in this case is very relevant to decide this Revision petition. Hence, they are extracted in a nutshell as under

Sl.No	Date	Event
1	21.07.2011	Vehicle bearing Reg.No. PY 01 R 9523 Maruti Omni Van seized by Civil Supplies CID in Cr.No.649 of 2011.
2	10.12.2011	CMP No.3998 of 2011 filed by the vehicle owner namely Jayakumar for return of vehicle pending disposal of the case dismissed by Judicial Magistrate No.I, Cuddalore
3	31.01.2012	Criminal Revision Petition No.58 of 2011 filed by the vehicle owner Jayakumar before Principal Sessions Judge, Cuddalore was allowed and the respondent/Civil Supplies CID, Cuddalore was directed to return the vehicle subject to certain conditions.
4	27.04.2012	The District Revenue Officer completed the adjudication proceedings and imposed a fine of Rs. 25,000/- in lieu of confiscation of vehicle bearing Reg.No.PY 01 R 9523 Maruti Omni Van.
5	18.10.2012	The vehicle owner Jayakumar filed a Writ Petition No.26720 of 2012 before the High Court and this Court ordered for return of vehicle subject to the outcome of the adjudication proceedings. In the writ petition filed by the vehicle owner, the petitioner has not disclosed the completion of adjudication proceedings as earlier on 27.04.2012.
6	27.11.2012	Pursuant to the order passed by the High Court in Writ Petition No.26720 of 2012, the District Revenue Officer in his proceedings ordered to return the vehicle without reference to his earlier proceedings imposed a fine of Rs.25,000/- in lieu of confiscation.

7. It is now submitted by the learned Public Prosecutor that the respondent herein has not paid the fine amount of Rs.25,000/- as per the proceedings of District Revenue Officer

on 27.04.2012. Though, subsequently pursuant to the direction of the High Court in Writ Petition No.26720 of 2012, the District Revenue Officer has passed an order to return the vehicle, in view of the completion of the confiscation proceedings, the direction of this Court in Writ Petition No.26720 of 2012, obtained by suppression of material fact is void. The adjudication proceedings dated 27.04.2012 alone will prevail, though it was prior in point of time.

8. This Court on perusing the records, uphold the submission made by the learned Public Prosecutor. The respondent/vehicle owner, if at all interested to get back the vehicle, he should comply the adjudication order and pay a fine amount and get back the vehicle. If he had already deposited Rs.10,000/-, as per the order of this Court, the same may be credited to the account towards fine amount and after collecting the balance Rs.15,000/-, the revision petitioner shall return the vehicle.

9. The Criminal Revision Petition is disposed of with the above directions.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1) The Station House Officer
Civil Supplies CID, Cuddalore.
- 2) The Principal Sessions Judge,
Cuddalore.
- 3) The Public Prosecutor,
High Court, Madras.

Criminal Revision No.291 of 2012

PPA(CO)
SSM(13/03/2019).