



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.R.C.No.1331 of 2019

Jayapal

.. Petitioner

Vs

State rep by
The Inspector of Police,
Anaikaranchathiram Police Station,
Nagapattinam.
(Cr.No.218/2019)

.. Respondent

Prayer:- This Petition is filed under section 397 read with 401 of Cr.P.C., to set aside the order dated 11.11.2019 passed in C.M.P.No.3276 of 2019 on the file of the learned District and Sessions Judge, Nagapattinam and to allow the Criminal Revision Petition.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.K.Prabakar, APP

ORDER

This Criminal Revision Petition has been filed, seeking to set aside the Order dated 11.11.2019 passed in C.M.P.No.3276 of 2019 on the file of the learned District and Sessions Judge, Nagapattinam and to direct the respondent to return the vehicle, namely, Hero Splendor Plus Bike bearing Registration No.TN-91-C-7665 to the petitioner.

2 The case of the prosecution in brief is that on 27.8.2019 at 03.00 a.m., when the officials of the respondent police intercepted the vehicle of the petitioner, they found that it is said to have been used for illegally transporting the sand by the accused persons concerned in Crime No.218/2019 on the file of the respondent police.

3 The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and without his knowledge, the vehicle had been used in the offence and that the petitioner is not arrayed as an accused and he has nothing



to do with the offence committed by the other accused. He would further submit that the vehicle was seized on 27.08.2019 and it is left idle in the open space thereby, the condition of the vehicle is getting deteriorated and the value of the vehicle is lost thereby putting the petitioner to hardship. He would also submit that the petitioner is prepared to give an undertaking that he will not dispose of or alter the appearance of the vehicle in any manner and produce it before the Trial Court as and when required.

4. Learned Additional Public Prosecutor for the respondent would submit that the vehicle-in-question was used for commission of crime, in respect of which, a case in Cr.No.218/2019, was registered by the respondent police. The learned Additional Public Prosecutor would further submit that two persons who were travelling in the vehicle, have escaped from the place of occurrence, while the respondent police team intercepted them, leaving the sand bag aloof and the same was recovered and that the case is still under investigation. He would also submit that the petitioner is not implicated as an accused in this case.

5. Considering the facts and circumstances of the case and having regard to the fact that though the petitioner is the owner of the vehicle-in-question, his name was not found place in the F.I.R., this Court is of the opinion that there is no purpose in keeping the vehicle idle in the police station, which will result in the value of the vehicle getting diminished.

6. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 11.11..2019, made in C.M.P.No.3276/2019 in Cr.No.218 of 2019, by the learned District and Sessions Judge, Nagampattinam, is hereby set aside and that the vehicle-in-question, bearing registration number TN-91-C-7665 Hero Splendor Plus Bike is ordered to be released to the petitioner, within a period of one week from the date of receipt of a copy of this Order subject to the following conditions:

- a. The petitioner shall produce necessary documents before the respondent to establish the ownership of the vehicle-in-question;
- b. The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) before the learned District and Sessions Judge, Nagapattinam, which shall be deposited in an interest bearing account, till the conclusion of the trial;
- c. The petitioner shall surrender the RC Book of the vehicle in question before the Trial Court and the same shall be with the court's custody, till the conclusion of the trial;



WEB COPY

d. The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondent for the conduct of the trial; and
e. The petitioner shall also give an Undertaking that he will not alienate the vehicle-in-question or dispose or alter the physical features of the vehicle; till the disposal of the proceedings before the authority concerned;

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

tsi

To:

1. The District and Sessions Judge,
Nagapattinam.
2. The Inspector of Police,
Anaikaranchathiram Police Station,
Nagapattinam.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate Sr.103621

Cr1.R.C.No.1331 of 2019

gmr[co]
srg 13/01/2020