



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.R.C. (MD)No.677 of 2010

WEB COPY

1. Jeyachandran
2. Narayana Kannan

.. Petitioners/Appellants/
Accused

Vs.

State rep. by,
The Inspector of Police,
C.S.C.I.D.,
Kuzhithurai at Nagercoil,
Kanyakumari District.

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision petition is filed under Sections 397 and 401 of Cr.P.C., to call for the records from the lower Courts and set aside the Judgment of the appellate Court passed by this Court of Sessions, Kanyakumari Division at Nagercoil, in C.A.No.112 of 2007, dated 15.04.2010 against the proceedings No.F1/32794/2005, dated 10.05.2007, on the file of the District Revenue Officer, Nagercoil, by allowing this Revision.

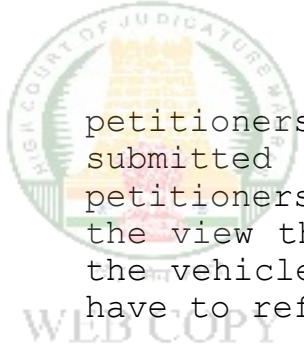
For Petitioner : M/s.K.Elis Chitra Devi

For Respondent : Mr.A.Robinson,
Government Advocate.

ORDER

The petitioner was implicated in Crime No.168 of 2005 on the file of the Inspector of Police, C.S.C.I.D., Kuzhithurai at Nagercoil for the offence under Section 6(4) of RDCS Order 1982 and under Section 7(i)(a)(ii) of the Essential Commodities Act 1955. The petitioners were accused of having illegally transported certain quantity of P.D.S. Rice. The tempo used for transporting the vehicle as well as the rice were ordered to be confiscated by the District Revenue Officer, Kanyakumari, vide order dated 10.05.2007. The same was questioned by the petitioners by filing C.A.No.112 of 2007 before the Sessions Court, Kanyakumari Division at Nagercoil. The appeal was dismissed on 15.04.2010. Challenging the same, this Criminal Revision came to be filed.

2. It appears that the interim custody of the vehicle was given to the petitioners and the rice was also given to the



petitioners. When the matter was taken up for final hearing, it was submitted by the respondent that the criminal case against the petitioners ended in "Further Action Dropped". Therefore, I am of the view that the petitioners are entitled to retain the custody of the vehicle as well as the other items and the respondent also will have to refund the sum of Rs.31,865/- to the petitioners.

3. In this view of the matter, the impugned Judgment in this Criminal Revision stands set aside. The Criminal Revision stands allowed, accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Sessions Judge,
Kanyakumari Division at Nagercoil.
2. The District Revenue Officer,
Nagercoil.
3. The Inspector of Police,
C.S.C.I.D.,
Kuzhithurai at Nagercoil,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer, (2 Copies)
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.ELIS CHITRA DEVI, Advocate (SR-74677[F] dated 11/07/2019)

Cr1. R.C.(MD)No.677 of 2010
09.07.2019