



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2019

CORAM

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.R.C(MD)No.368 of 2019

N.Tamilarasi

... Petitioner/Petitioner

Vs.

State through
The Inspector of Police,
Velayuthampalyam Police Station,
Karur District.
(Cr.No.151 of 2019)

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set-aside the order passed by the learned Judicial Magistrate No.II, Karur in Cr.M.P.No.2767 of 2019 in R.P.No.462 of 2019 dated 16.05.2019.

For Revision Petitioner: Mr.P.Gokulnaath

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

O R D E R

The petitioner claims to be the owner of the vehicle (Ashok Leyland Lorry) bearing Registration No.TN-28-AH-9082. On 04.05.2019, the respondent police found the said vehicle carrying 4 units of river sand in violation of the provision of the Mines and Minerals Development Regulation Act, 1957. The respondent registered a case in Crime No.151 of 2019 Under Section 379 of IPC., and seized the said vehicle. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate No.II, Karur, for interim custody. The learned Judicial Magistrate No.II, Karur, by order dated 16.05.2019 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.Mr.A.P.G.Ohm Chairma Prabhu, learned Government Advocate (Crl.side) has strongly opposed to release the vehicle.

4.On consideration of the documentary evidence, the Trial Court has dismissed the petition seeking to release the vehicle



filed by the petitioner. However, Considering the facts and circumstances of the case, this Court is inclined to allow this petition.

5. Accordingly, this petition is allowed and the order of the learned Judicial Magistrate No.II, Karur in Cr.M.P.No.2767 of 2019 in R.P.No.462 of 2019, is set aside and the learned Magistrate is directed to return the vehicle subject to the petitioner on the following conditions:-

(a) The petitioner shall deposit the original Registration Certificate of the vehicle;

(b) The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) to the credit of Crime No.151 of 2019 on the file of the Judicial Magistrate No.II, Karur, within a period of two weeks from the date of receipt of a copy of this order;

(c) The petitioner shall not make any alteration of the vehicle;

(d) The petitioner shall produce the same before the Court as and when required.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate No.II,
Karur.

2.The The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.GOKULNAATH, Advocate (SR-75385[F] dated 16/07/2019)

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16.07.2019

KK/SAR/07.08.2019/2P-5C/