



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.12.2019**

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THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.630 of 2019

Ravi ... Revision Petitioner/ Petitioner
Vs.

The Inspector of Police,
Velayuthampalayam Police Station,
Karur.
(In Crime No.217 of 2019) ... Respondent/ Respondent

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 Principal Sessions Judge, Karur in Crl.M.P.No.929 of 2019, dated 14.08.2019, whereby dismissing the application under Section 451 of Cr.P.C. and to set aside the same by ordering release of TATA ACE bearing Reg.No.TN-28-AY-7056 of the petitioner.

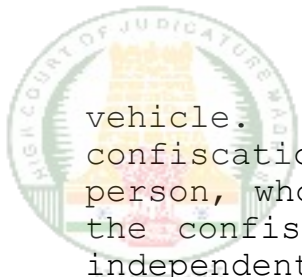
For Petitioner	: Mr.K.Suresh
For Respondent	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl.side)

O R D E R

The petitioner claims to be the owner of the TATA ACE, bearing Registration No.TN-28-AY-7056. According to the petitioner, the alleged vehicle was seized by the respondent on 25.07.2019 in connection with a case in Crime No.217 of 2019 for the offence under Section 379 of IPC. Seeking return of the said vehicle, the petitioner filed a petition before the learned Principal Sessions Judge, Karur, for interim custody. The learned Principal Sessions Judge, Karur, by order dated 14.08.2019 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.The only ground upon which the lower Court has dismissed the petition is that the petitioner has used his vehicle for illegally mining sand and if the vehicle is returned to the petitioner, he will indulge in the same activities by using the same



vehicle. It is well settled that during the pendency of confiscation proceedings, the vehicle needs to be returned to the person, who is entitled to have. This return will have no impact on the confiscation proceeding, as the confiscation proceeding is an independent proceeding.

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4. In view of the above, this Criminal Revision is allowed and the order of the learned Principal Sessions Judge, Karur, in Crl.M.P.No.929 of 2019, dated 14.08.2019, is set aside and the learned Principal Sessions Judge, Karur, is directed to return the vehicle to the petitioner subject to the confiscation proceedings 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.25,000/- (Rupees Twenty Five thousand only) to the credit of Crime No.217 of 2019 on the file of the learned Principal Sessions Judge, Karur, within a period of one week 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 an when required until final order is passed in the confiscation proceedings.

5. The Authority under the Tamil Nadu Prohibition Act may proceed with the confiscation proceedings and the petitioner shall obey any order that may be passed in the said proceeding by the authority.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Principal Sessions Judge, Karur.

2. The Inspector of Police,

Velayuthampalayam Police Station, Karur.

3. The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.SURESH, Advocate (SR-105436[F] dated 17/12/2019)

Crl.R.C(MD)No.630 of 2019

Dated: 17.12.2019

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<https://hdcvcsrecords.gov.in/records/MS/VP-PN/CA/R-2/18.12.2019/2P.5C>