



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED :**16.12.2019**  
CORAM

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

**Crl.R.C(MD)No.674 of 2019**

K.Sivakumar

... Petitioner

Vs.

The State Rep. by  
The Inspector of Police,  
Vangal Police Station,  
Karur District.  
(In Crime No.169 of 2019)

... Respondent

**Prayer :** This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order in Cr.M.P.No.957 of 2019 in R.P.No.556 of 2019 on the file of the Principal Sessions Judge, Karur, dated 22.08.2019 in Crime No.169 of 2019 on the file of the respondent police, consequently direct the learned Principal Sessions Judge, Karur to hand over the interim custody of the vehicle bearing Registration No.TN-76-A-1218 (407 Mini Tipper Van) to the petitioner.

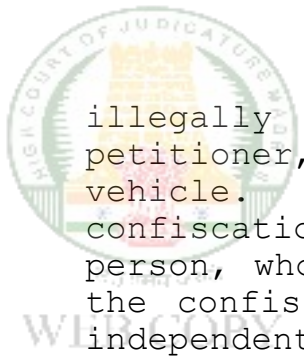
For Petitioner : Ms.Prabha  
for Mr.G.Mohankumar  
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu  
Government Advocate (Crl.side)

**O R D E R**

The petitioner claims to be the owner of the Mini Tipper Van, bearing Registration No.TN-76-A-1218. According to the petitioner, the alleged vehicle was seized by the respondent on 23.07.2019 in connection with a case in Crime No.169 of 2019 for the offence under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. 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 22.08.2019 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.

4. In view of the above, this Criminal Revision is allowed and the order of the learned Principal Sessions Judge, Karur, in Cr.M.P.No.957 of 2019, dated 22.08.2019, 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.169 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 and 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 (AD-II)

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/ /2020

Sub Assistant Registrar (CS )

vsd

To

1. The Principal Sessions Judge,  
Karur.



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

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

+1 CC to MR.S.GOKULRAJ, Advocate ( SR-105225[F] dated 16/12/2019 )

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MK (07.01.2020) 3P 5C