



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2019

CORAM

WEB COPY

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

Cr1.R.C(MD)No.689 of 2019

S.Tamilselvi

... Petitioner/Owner of the vehicle

Vs.

State through
The Inspector of Police,
Pallathur Police Station,
Sivagangai District.
(Crime No.65 of 2019)

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records of the learned Principal Session Judge, Sivagangai in Cr.M.P.No.2127 of 2019, dated 06.09.2019 and set aside the same and further direct the respondent to release the vehicle TN/45/TMP/2019/2318 (Temporary Registration) Bharath Benz Tares Lorry to the petitioner.

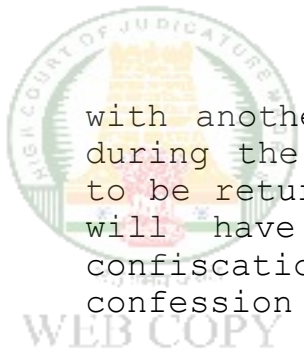
For Petitioner	: Mr.T.S.Mohamed Mohideen
For Respondent	: Mr.V.Neelakandan
	Additional Public Prosecutor

O R D E R

The petitioner claims to be the owner of the Bharath Benz Tares Lorry, bearing Registration No.TN-45-TMP-2019-2318. According to the petitioner, the alleged vehicle was seized by the respondent on 15.07.2019 in connection with a case in Crime No.65 of 2019 for the offence under Section 21(4) of Mines and Minerals (Development and Regulations) Act, 1957. Seeking return of the said vehicle, the petitioner filed a petition before the learned Principal Sessions Judge, Sivagangai, for interim custody. The learned Principal Sessions Judge, Sivagangai, by order dated 06.09.2019 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 owner of the vehicle are not shown as accused and there is every possibility her vehicles being redeployed



with another set of drivers and cleaners. 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. Further, no confession statement recorded from the accused.

4. In view of the above, this Criminal Revision is allowed and the order of the learned Principal Sessions Judge, Sivagangai in Cr.M.P.No.2127 of 2019, dated 06.09.2019, is set aside and the learned Principal Sessions Judge, Sivagangai, 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.2,00,000/- (Rupees Two lakhs only) to the credit of Crime No.65 of 2019 on the file of the learned Principal Sessions Judge, Sivagangai, 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(Records)

// True Copy //

Sub Assistant Registrar(CS)

vsd
To

1. The Principal District Judge,
Sivagangai District, Sivagangai.

2. The Inspector of Police,
Pallathur Police Station,
Sivagangai District.



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

+1CC TO MR.T.S.MOHAMED MOHIDEEN, Advocate Sr. No. 104402

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