



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **18.12.2019**

CORAM

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

Crl.R.C(MD)No.893 of 2019

T.Kalairaja

... Petitioner/Owner of the Property
Vs.

The State Rep. by
The Inspector of Police,
Thirunagar Police Station,
Madurai District.
(In Crime No.240 of 2019)

... Respondent/ Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order dated 23.09.2019 passed in Crl.M.P.No.3592 of 2019 on the file of the learned Principal Sessions Judge, Madurai and allow this revision.

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

ORDER

The petitioner claims to be the owner of the Lorry, bearing Registration No.TN-21-AX-7272. According to the petitioner, the alleged vehicle was seized by the respondent on 05.07.2019 in connection with a case in Crime No.240 of 2019 for the offence under Sections 379 of IPC and 21(1) 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, Madurai, for interim custody. The learned Principal Sessions Judge, Madurai, by order dated 23.09.2019 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 petitioner is absconding and the investigation is still pending. 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, Madurai in Crl.M.P.No.3592 of 2019, dated 23.09.2019, is set aside and the learned Principal Sessions Judge, Madurai, 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.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.240 of 2019 on the file of the learned Principal Sessions Judge, Madurai, 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)

// True Copy //

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Sub Assistant Registrar(CS)

vsd

To

1.The Principal Sessions Judge,
Madurai.

2.The Inspector of Police,
Thirunagar Police Station,
Madurai District.

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-105971[F]

Cr1.R.C(MD)No.893 of 2019

SMA/13/01/2020/2P/5C