

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.R.C.No.523 of 2020

Sathyanarayanan

... Petitioner

Vs.

The Inspector of Police,
Sembanarkoil Police Station,
Nagapattinam District.
Crime No.359 of 2019.

... Respondent/Respondent

Prayer: Criminal Revision Petition filed under Section 397 r/w. 401 Cr.P.C. to call for the records and set aside the order passed in C.M.P.No.937 of 2020 on the file of the District and Sessions Judge, Nagapattinam District, dated 18.03.2020 to return the Tractor Registration No.TN 51 AZ 9519.

For Petitioner : Mr.K.M.Vijayan Associates

For Respondent : Mr.Prabakar

Additional Public Prosecutor

ORDER

This Criminal Revision Petition has been filed against the dismissal of the petition filed by the petitioner seeking for the return of the tractor.

2. The case of the prosecution is that the petitioner is the owner of the tractor and this tractor was involved for illegally transporting of sand.

3. The learned counsel for the petitioner submitted that the confiscation proceedings has not commenced and now the tractor is exposed to rain and shine and if the lorry is kept in the police station continuously, it will lose all its worth. The learned counsel further submitted that any stringent conditions may be imposed by this Court and the petitioner will comply with the said conditions.

4. Heard the learned Additional Public Prosecutor appearing on behalf of the respondent.

5. This Court has carefully considered the submissions made on either side and the orders passed by the Court below.

6. The petitioner is the owner of the tractor and according to the petitioner, the tractor now exposed to the open sky in the police station and it will become worthless over a period of time. Admittedly, the confiscation proceedings have not commenced. The petitioner also undertakes that he will not involve in any illegal activity in future and that any stringent conditions can be imposed by this Court.

7. Taking into consideration the facts and circumstances of the case, the order passed by the Court below in C.M.P.No.937 of 2020, dated 18.03.2020 is hereby set aside and this Criminal Revision Petition is allowed with the following conditions:

(i) The petitioner shall file an affidavit before the Court below that the tractor will not be used for the illegal transportation of sand in future.

(ii) The petitioner shall deposit the original RC book before the Court below and the Court below shall certify the deposit of the original RC book in the Court and such certificate can be produced by the petitioner if and when he is asked to produce the RC book by the police during any interception.

(iii) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the District Minerals Foundation Trust and shall produce the said receipt before the Court below.

(iv) The petitioner shall produce the vehicle, as and when required before the Court below.

This order is passed without prejudice to the rights of the respondent to initiate confiscation proceedings against the petitioner.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The learned District and Sessions Judge,
Nagapattinam District.
2. The Inspector of Police,
Sembanarkoil Police Station,
Nagapattinam District.
3. The Public Prosecutor,
High Court of Madras,
Chennai-104.

Copy to

The District Minerals Foundation Trust,
Nagapattinam.

सत्यमेव जयते

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srg 30/07/2020

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