

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM

THE HON'BLE Mr. JUSTICE P.N. PRAKASH

Crl.R.C.No.697 of 2020

Thiagarajan ... Petitioner/Accused/owner of
the vehicle

Vs.

State represented by
The Inspector of Police,
Magaral Police Station,
Kancheepuram District.
(Crime No.277 of 2019) ... Respondent/Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C. seeking to set aside the order dated 03.03.2020 passed in Crl.M.P.No.145 of 2020 on the file of the Judicial Magistrate Court No.II, Kancheepuram and direct the respondent to release the vehicle (Bharat Benz Lorry) bearing Registration No.TN-12-W-6982 seized in Crime No.277 of 2019 and hand over the same to the petitioner within the time frame fixed by this Court.

For Petitioner : Mr.L.Ramu

For Respondent : Mrs.P.Kritika Kamal
Government Advocate
(Crl. Side)

O R D E R

This case is taken up through video conferencing.

2. This criminal revision has been filed seeking to set aside the order dated 03.03.2020 passed in Crl.M.P.No.145 of 2020 on the file of the Judicial Magistrate Court No.II, Kancheepuram and direct the respondent to release the vehicle (Bharat Benz Lorry) bearing Registration No.TN-12-W-6982 seized in Crime No.277 of 2019 and hand over the same to the petitioner within the time frame fixed by this Court.

3. On 21.12.2019, the Revenue officials intercepted two lorries bearing Registration Nos.TN-12-W-6982 and TN-19-P-0876, respectively, while they were transporting two units each of sakkaikal (broken pieces of rocks) without permission in violation of the order dated 29.10.2018 passed by the

Madurai Bench of this Court in W.P.(MD).Nos.19936 of 2017, etc., batch. The drivers of the two lorries were arrested and they were later released on bail.

4. The petitioner herein, who is the owner of the vehicle (Bharat Benz Lorry) bearing Registration No.TN-12-W-6982 filed a petition in CrI.M.P.No.145 of 2020 under Section 451 Cr.P.C. before the Judicial Magistrate Court No.II, Kancheepuram, for the interim custody of the vehicle and the same has been dismissed on 03.03.2020, aggrieved by which, the petitioner has filed the present criminal revision petition.

5. Heard Mr.L.Ramu, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (CrI.Side) appearing for the respondent/State.

6. The learned counsel for the petitioner submitted that the seizure was effected on 21.12.2019 and the vehicle is in the police station open to sun and rain.

7. Taking into consideration the aforesaid facts and in view of the guidelines given by the Supreme Court in *Sunderbhai Ambalal Desai Vs. State of Gujarat*¹, this Court is of the view that interests of justice will be served, if the vehicle is ordered to be released to the petitioner on certain stringent conditions. The respondent police is directed to grant interim custody of the said vehicle (Bharat Benz Lorry) bearing Registration No.TN-12-W-6982 to the petitioner within a period of 7 days from the date of compliance of the below mentioned condition Nos.(i) to (iii) :

- (i) The petitioner shall deposit a sum of Rs.50,000/- before the jurisdictional Tahsildar as non-refundable deposit. After receipt of the above said amount, the same will have to be deposited by the Tahsildar, to the credit of the District Mines and Minerals Foundation Trust, Kancheepuram as non-refundable deposit;
- (ii) The petitioner shall execute a personal bond for a sum of Rs.50,000/- with two sureties each, for a like sum to the satisfaction of the Judicial Magistrate Court No.II, Kancheepuram. The petitioner and the sureties shall affix their photographs and give the copies of their Aadhaar Card;

- (iii) The petitioner shall give an undertaking before the respondent/ authority concerned stating that he will not use the vehicle in question for any illegal activities in future and shall produce the same as and when required by the respondent and also the trial Court, failing which the respondent/trial Court is at liberty to confiscate the vehicle;
- (iv) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned;
- (v) The petitioner shall take photograph of the vehicle and submit the same along with Compact Disc duly certified under Section 65-B of the Indian Evidence Act, 1872;
- (vi) The petitioner shall surrender the original R.C. book before the Judicial Magistrate Court No.II, Kancheepuram; and
- (vii) The petitioner is also directed to participate in the enquiry to be conducted by the respondent.

Petition relating to return of R.C. Book for any purpose in the future, may be filed before the Judicial Magistrate Court No.II, Kancheepuram, who may consider the same on merits, though this order has been passed by the High Court.

This petition is allowed in the above terms and the order dated 03.03.2020 passed in CrI.M.P.No.145 of 2020 on the file of the Judicial Magistrate Court No.II, Kancheepuram, is set aside.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Judicial Magistrate No.II,
Kancheepuram.

2.The Tahsildar,
Kancheepuram.

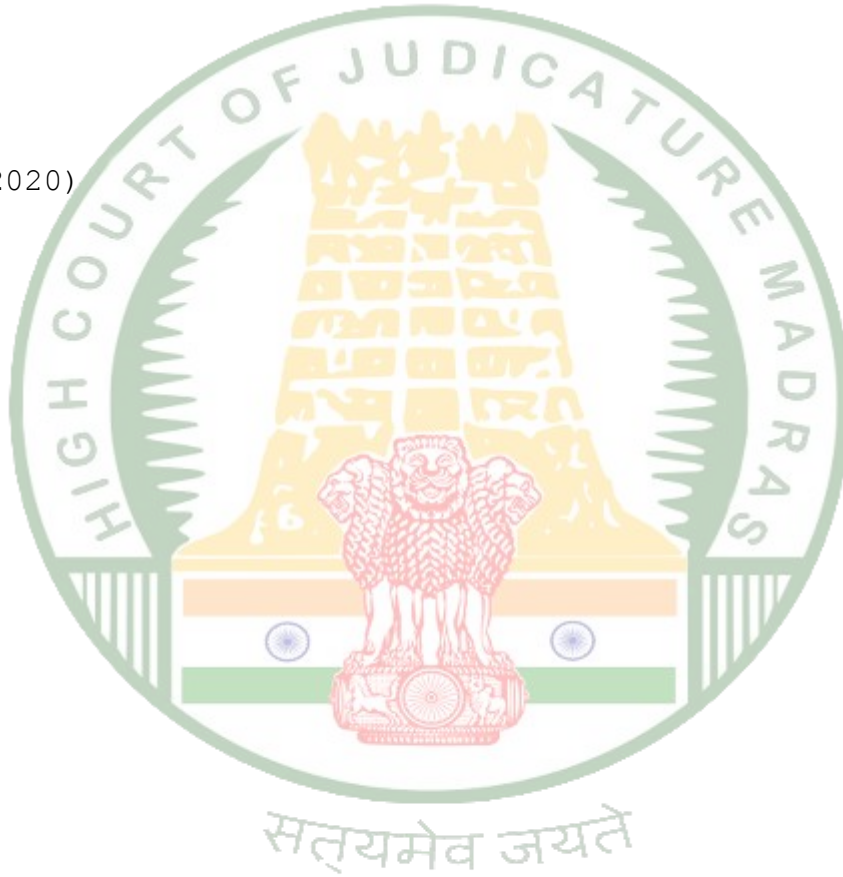
3.The Inspector of Police,
Magaral Police Station,
Kancheepuram District.

4.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

Cr1.R.C.No.697 of 2020

SR(CO)

GN(22/10/2020)



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