



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **20.02.2020**

CORAM

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

Crl.R.C(MD)No.183 of 2020

Karthikeyan ...Petitioner/2nd Accused -cum- owner of Vehicle

Vs.

The State rep. by
The Inspector of Police,
Vangal Police Station,
Karur District.
(In Crime No.130 of 2019)

...Respondent

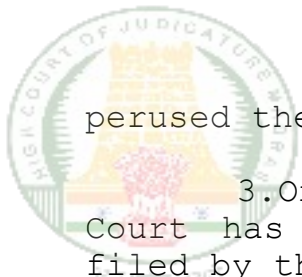
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order in Cr.M.P.No.1223 of 2019 on the file of the Principal Sessions Judge, Karur, dated 21.10.2019 in Crime No.130 of 2019 on the file of the Inspector of Police, Vangal Police Station, Karur District consequently direct the Principal Sessions Judge, Karur to hand over the interim custody of the vehicle bearing Registration No.TN-47-U-0585 (Ashok Leyland Multi Axle Goods) to the petitioner and pass such further or other order and may deem fit in the facts and circumstances of the case.

For Petitioner	: Mr.S.Gokul Raj
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 Ashok Leyland Multi Axle Goods, bearing Registration No.TN-47-U-0585. According to the petitioner, the alleged vehicle was seized by the Village Administrative Officer on 27.05.2019 in connection with a case in Crime No.130 of 2019 for the offence under Sections 379 of IPC and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. Seeking return of the said vehicle, the petitioner has filed a petition before the learned Principal Sessions Judge, Karur, for interim custody. The learned Principal Sessions Judge, Karur, by order dated 21.10.2019 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
<https://hcservices.ecourts.gov.in/hcservices/>



perused the materials available on record.

3. On consideration of the documentary evidence, the Trial Court has dismissed the petition seeking to release the vehicle filed by the petitioner. 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 Crl.M.P.No.1223 of 2019, dated 21.10.2019, 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 produce 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.130 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 on the first working day of every month 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

/True copy/

/02/2020
Sub Assistant Registrar

vsd
To
1. The Principal Sessions Judge,
Karur.

2. The Inspector of Police,
Vangal Police Station,

<https://hcservices.courts.gov.in/hcservices>



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

+1 CC to M/s.S.GOKUL RAJ, Advocate (SR-7249[F] dated 20/02/2020)

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vsd

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