



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.02.2020

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

Cr1.R.C(MD)No.136 of 2020

and

Cr1.M.P(MD)No.1182 of 2020

N.Ashokkumar ...Petitioner/Petitioner/Owner/1st Accused

Vs.

1.State Rep. through
The Inspector of Police,
Vathalai Police Station,
Trichy District.
(Crime No.224 of 2019)

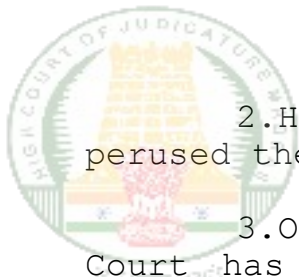
2. P.Sekar
The Special Sub Inspector of Police,
Vathalai Police Station,
Trichy District. ...Respondent/Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the dismissal order passed by the Principal Sessions Judge, Trichy in Cr.M.P.No.328 of 2020, dated 24.01.2020.

For Petitioner : Mr.K.Praveen Kumar
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Cr1.side)

O R D E R

The petitioner claims to be the owner of the Mahindra Bolero Pickup, bearing Registration No.TN-61-F-5526. According to the petitioner, the alleged vehicle was seized by the respondent police on 25.11.2019 in connection with a case in Crime No.224 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, Tiruchirappalli, for interim custody. The learned Principal Sessions Judge, Tiruchirappalli, by order dated 24.01.2020 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.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, Tiruchirappalli, in Cr.M.P.No.328 of 2020, dated 24.01.2020, is set aside and the learned Principal Sessions Judge, Tiruchirappalli, 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.25,000/- (Rupees Twenty Five thousand only) to the credit of Crime No.224 of 2019 on the file of the learned Principal Sessions Judge, Tiruchirappalli, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

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



To

1.The Principal Sessions Judge,
Tiruchirappalli.

2.The Inspector of Police,
Vathalai Police Station,
Trichy District.

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

+1 CC to Mr.K.PRAVEEN KUMAR, Advocate (SR-7385[F] dated
20/02/2020)

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VB(02.03.2020) 3P 5C