



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.02.2020**

CORAM

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

Crl.R.C(MD)No.209 of 2020

Ganesan

... Petitioner/Petitioner/Accused/
Owner of property

Vs.

State Rep. by
The Sub Inspector of Police,
Kadupatti Police Station,
Madurai District.
(Crime No.227 of 2019)

... Respondent/Respondent/Complainant

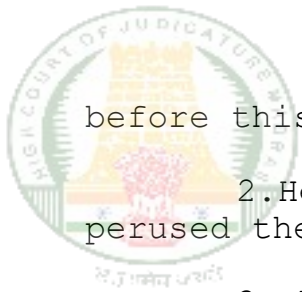
Prayer : This Criminal Revision filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to order, dated 14.02.2020 passed by the Principal District and Sessions Judge, Madurai in Crl.M.P.No.995 of 2020 in Crime No.227 of 2019 on the file of the respondent police and set aside the same by allowing the above Criminal Revision petition and further direct the respondent police to return the vehicle bearing Registration No.TN-72-AZ-1059 lorry to the revision petitioner.

For Petitioner : Mr.A.Karthik

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 TATA Lorry, bearing Registration No.TN-72-AZ-1059. According to the petitioner, the alleged vehicle was seized by the respondent police on 08.10.2019 in connection with a case in Crime No.227 of 2019 for the offence under Section 379 of IPC and Section 21(5) 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, Madurai, for interim custody. The learned Principal Sessions Judge, Madurai, by order dated 14.02.2020 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.The learned counsel for the revision petitioner is submitted that already the vehicle was under hypothecation and submit a certified copy of the original R.C.Book.

4.The only ground upon which the lower Court has dismissed the petition is that the investigation is still pending. Further, 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.

5.In view of the above, this Criminal Revision is allowed and the order of the learned Principal Sessions Judge, Madurai, in Cr.M.P.No.995 of 2020, dated 14.02.2020, 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 produce the certified copy of the original R.C.Book obtaining from the financier;

(b)The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.227 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.

6.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 (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

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To

1.The Principal Sessions Judge,
Madurai.

2.The Sub Inspector of Police,
Kadupatti Police Station,
Madurai District.

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

+1 CC to M/s.A.KARTHIK, Advocate (SR-8555[F] dated 26/02/2020)

Crl.R.C(MD)No.209 of 2020
26.02.2020

JMN(13.03.2020) 3P : 5C