



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 18.08.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.340 of 2020

Venkadeswaran

.. Petitioner/Petitioner

Vs.

State rep by
The Inspector of Police,
Maraneri Police Station,
Virudhhunagar District.
In Crime No.288 of 2019

.. Respondent/Respondent

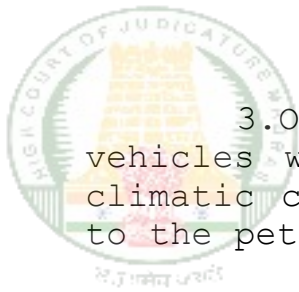
Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records and to set aside the order passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Crl.M.P.No.172 of 2020 dated 24.02.2020.

For Petitioner	: Mr.M.Jothibas
For Respondent	: Mr.K.Dinesh Babu
	Additional Public Prosecutor

ORDER

The petition has been filed to set aside the order passed in Crl.M.P.No.172 of 2020 dated 24.02.2020, on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur.

2.On 23.11.2019 a case was registered in Crime No.288 of 2019 under Section 379 r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act based on the complaint of Village Administrative Officer against the petitioner. The tractor bearing registration No.TN-67-AR-2835 and the trailer bearing registration No.TCM-9685 were used for the offence and the vehicles were seized by the Police. The petitioner filed a petition in Crl.M.P.No.172 of 2020 for return of the vehicles before the learned Principal District and Sessions Judge, Virudhunagar District. The petition was dismissed by the trial Court. Against that order, the petitioner preferred this revision.



3.On the side of the petitioner, it is stated that if the vehicles were kept in open, the vehicles will be damaged due to climatic condition and prayed for interim custody of the vehicles to the petitioner.

4.On the side of the prosecution, it is stated that there is no sufficient document to prove that the vehicles belong to the petitioner and no such documents were produced before the Court and that the trial Court has rightly dismissed the petition.

5.A perusal of the records reveals that the respondent has not produced the vehicles before the trial Court. The petitioner has also not produced any document to prove the ownership of the traylor. The contention of the petitioner is that the petitioner purchased the traylor from one Revathi but the petitioner could not transfer the vehicle in his name. No records are filed by the respondent to prove that said Revathi was the previous owner of the vehicle. Hence, this Court is not inclined to grant interim custody of the traylor to the petitioner, as the ownership of the traylor has not been proved by the petitioner.

6.A perusal of the records reveals that the petitioner is the owner of the tractor and the copy of the registration certificate is produced by the petitioner. In view of the above, this Court is inclined to return the tractor alone to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:

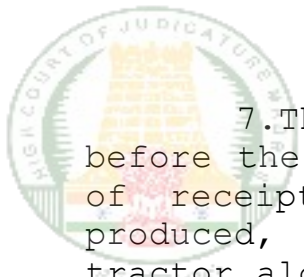
(i)The petitioner shall deposit the original Registration Certificate of the tractor with the learned Principal District and Sessions Judge, Virudhunagar;

(ii)The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.288 of 2019 on the file of the learned Principal District and Sessions Judge, Virudhunagar within a period of two weeks from the date of receipt of a copy of this order;

(iii)The petitioner is directed to execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Virudhunagar.

(iv)The petitioner shall not alienate and shall not make any alteration in the vehicle;

(v)The petitioner shall produce the vehicle before the Court and before the respondent as and when required and this order is subject to the final order to be passed in the confiscation proceedings.



7.The respondent is hereby directed to produce the vehicles before the trial Court within a period of two weeks from the date of receipt of copy of this order. After the tractor being produced, the petitioner is entitled for interim custody of the tractor alone and not the trailor.

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8.With the above direction, this Criminal Revision Case is partly allowed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Principal District and Sessions Judge,
Virudhunagar.

2.The Inspector of Police,
Maraneri Police Station,
Virudhhunagar District.

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

+1 CC to Mr.M. JOTHI BASU, Advocate (SR-14363[F] dated 19/08/2020)

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KM (26.08.2020) 3P 5C