



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 17.07.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.381 of 2020

S.Elango

.. Petitioner /Petitioner

Vs.

State Rep. By
The Sub Inspector of Police
Adirampattinam Police Station
Thanjavur District
(Crime No.55 of 2020)

.. Respondent / Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records made in Cr.M.P.No.1914 of 2020 on the file of the Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur / Principal Sessions Judge, Thanjavur, filed by the petitioner under Section 451 r/w. 457 of Cr.P.C. for return of vehicle and set aside the dismissal order, dated 15.06.2020.

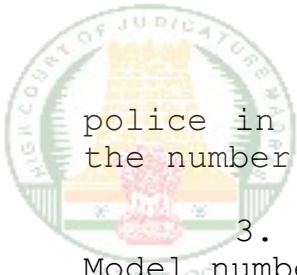
For Petitioner : Mr.S.Deenadhayalan

For Respondent : Mrs.Anandha Devi
Government Advocate

O R D E R

This revision has been filed to call for the records made in Cr.M.P.No.1914 of 2020 on the file of the Special Court under the Mines and Minerals (Development and Regulation) Act, 1957, Thanjavur / Principal Sessions Judge, Thanjavur, filed by the petitioner under Section 451 r/w. 457 of Cr.P.C. for return of vehicle and set aside the dismissal order, dated 15.06.2020.

2. On the side of the petitioner, it is stated that the petitioner is the owner of TATA Hitachi Hydraulic Excavator ZX 110 ISUZU and the said vehicle was seized by the respondent police. If the vehicle is kept in the open place, due to rust and climatic conditions, the vehicle may become useless and the value will be deteriorating day by day. It is further stated that the petitioner is not an accused. The trial Court failed to consider that the Model number of the vehicle was wrongly noted by the respondent



police in the F.I.R and subsequently the respondent police altered the number and prayed the vehicle to be returned.

3. On the side of the prosecution, it is admitted that the Model number of the vehicle was wrongly mentioned in the F.I.R. It is stated that no R.C. book is available for the petitioner's property, since the vehicle is not a transport vehicle.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent.

5. On perusal of the records, it is seen that the vehicle is not a transport vehicle, there is no R.C. book available. The petitioner filed a copy of the invoice with the copy of the sale agreement. In the above circumstances, this Court is inclined to release the vehicle for interim custody to the petitioner. Hence, this Criminal Revision Case is allowed and the vehicle is released for interim custody to the petitioner subject to the following conditions:

(i)The petitioner shall deposit a sum of Rs.3,00,000/- (Rupees three lakhs only) to the credit of Crime No.55 of 2020 on the file of the Special Court under the Mines and Minerals (D&R) Act, 1957, Thanjavur / Principal Sessions Judge, Thanjavur, along with bond of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties each for a like sum, within a period of four weeks from the date of receipt of a copy of this order.

(ii)The petitioner shall not alienate and shall not make any alterations in the vehicle;

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

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for

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



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 Special Judge / Principal Sessions Judge
Mines and Minerals (Development and Regulation) Act, 1957
Thanjavur
2. The Sub Inspector of Police
Adirampattinam Police Station
Thanjavur District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.381 of 2020
17.07.2020

VB (24.07.2020) 3P 4C