



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2020  
CORAM

**THE HONOURABLE MRS. JUSTICE R. THARANI**

Crl. R.C.(MD)No.388 of 2020  
and  
Crl.M.P.(MD)No.2854 of 2020

T.Suresh Sundar Singh

.. Petitioner / Accused

Vs.

The State Rep. by  
The Inspector of Police,  
Nesamoni Nagar Police Station,  
Kanyakumari District.  
(In Crime No.6 of 2020)

... Respondent/Defacto Complainant

**Prayer :** This Revision Case is filed under Sections 397 read with Section 401 of Cr.P.C., to call for records pertaining to the order passed by the learned District and Sessions Court, Nagercoil in Crl.M.P.No.822 of 2020, dated 24.02.2020 to set aside the order of dismissal.

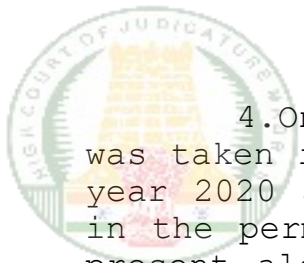
For Petitioner : Mr.S.Sureshkumar  
For Respondent : Mr.K.Dinesh Babu  
Additional Public Prosecutor

**ORDER**

This revision has been filed to set aside the order passed in Crl.M.P.No.822 of 2020, dated 24.02.2020, on the file of the learned District and Sessions Court, Nagercoil to return the vehicle bearing Registration No.TN-67-H-9715 to the petitioner.

2. On the side of the petitioner, it is stated that the vehicle is having permission to transport the sand. Since the vehicle has to travel more than 400 k.m, there was a delay and the vehicle was seized on 09.01.2020 at 4.55 p.m. The time difference is only due to a break down and hence, he prays before this Court that the vehicle may be released.

3.On the side of the prosecution, it is stated that both the time and the date of the permit are different and that though the petitioner is having a permit, it is not valid on the date of occurrence.



4. On the side of the petitioner, it is stated that the permit was taken in the year 2016 and the driving license was taken in the year 2020 and hence, there is a difference in the photograph given in the permit and in the driving license. The petitioner was also present along with the advocate while hearing the case through the video conference. The date and time mentioned in the permit is 08.01.2020 at 7.47 a.m. There was difference in the date and in the timings. But permit is available.

5. Considering the above facts and circumstances of the case, this Court is inclined to return the vehicle for interim custody with the petitioner subject to the following conditions:

(i) The petitioner shall deposit the original Registration Certificate of the vehicle before the Principal Sessions Court, Nagercoil;

(ii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.6 of 2020 on the file of the Principal Sessions Court, Nagercoil, within a period of four weeks from the date of receipt of a copy of this order along with a bond for a sum of Rs.5,00,000/- (Rupees Five lakhs only) with two sureties for a like sum;

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

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

6. Accordingly, this Criminal Revision Case is allowed and the order of the learned Principal Sessions Court, Nagercoil, in Crl.M.P.No.822 of 2020 is set aside. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

**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 Sessions Court,  
Nagercoil.
  - 2.The Inspector of Police,  
Nesamoni Nagar Police Station,  
Kanyakumari District.
  3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Crl. R.C.(MD)No.388 of 2020  
and  
Crl.M.P.(MD)No.2854 of 2020

vsd  
SDS (23.07.2020) 3P-4C