



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 21.08.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.456 of 2020

Manthirammoorthy

.. Petitioner

Vs.

The Inspector of Police,
Thattarmadam Police Station,
Tuticorin District.

(Crime No.41 of 2020)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the entire records relating to the order dated 04.07.2020 made in Cr.M.P.No.2124 of 2020 on the file of the learned Judicial Magistrate, Sathankulam, Tuticorin District and to set aside the same and to release the petitioner's vehicle Hitachi Serial No.R210V N634D000721.

For Petitioner

: Mr.K.M.Priscilla Jancy

For Respondent

: Mrs.Anandha Devi

Government Advocate (Crl. Side)

ORDER

The petition has been filed to set aside the order passed in Crl.M.P.No.2124 of 2020 dated 04.07.2020, on the file of the learned Judicial Magistrate, Sathankulam, Tuticorin District and to grant interim custody of the vehicle Hitachi Serial No.R210V N634D000721 to the petitioner.

2.The petitioner's vehicle vide service No.R210V N634D00072 was found in patta land in survey no.7/3C. On complaint given by the Village Administrative Officer, the vehicle was seized by the respondent for attempting to commit theft of red sand in the patta land. The case was registered in Crime No.41 of 2020 by the Inspector of Police. The petitioner claiming as the owner of the vehicle filed a petition in Cr.M.P.No.2124 of 2020 before the learned Judicial Magistrate, Sathankulam for return of the vehicle to the petitioner. The learned Judicial Magistrate, Sathankulam dismissed the petition on 04.07.2020. Against the order, the petitioner preferred this revision case.

3.On the side of the petitioner, it is stated that the vehicle was parked in the patta land for agricultural purpose. There was no sand theft or attempt to sand theft. The respondent seized the vehicle from the patta land and foisted a false case



and prayed the vehicle to be returned to the petitioner.

4. On the side of the respondent, it is stated that the petitioner vehicle along with a tipper lorry was used for attempting theft of red sand. If the vehicle is released, the vehicle will be used for commission of similar offence and prayed the petition to be dismissed.

5. It is seen that the petitioner's vehicle is in custody of the respondent Police from 10.03.2020 onwards. If the vehicle is left open, the value of the vehicle will get deteriorated. There is no dispute regarding the ownership of the vehicle.

6. In view of the above, this Court is inclined to return the vehicle to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:

(i) The petitioner shall deposit the original invoice of the vehicle with the learned Judicial Magistrate, Sathankulam;

(ii) The petitioner shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.41 of 2020 on the file of the learned Judicial Magistrate, Sathankulam 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.25,00,000/- (Rupees Twenty Five Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sathankulam.

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

Sd/-

Assistant Registrar (AS)

// 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 Judicial Magistrate,
Sathankulam.

2.The Inspector of Police,
Thattarmadam Police Station,
Tuticorin District.

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

+1 CC to M/s.K.M. PRISCILLA JANCY, Advocate (SR-14605[F] dated 21/08/2020)

Crl. R.C.(MD)No.456 of 2020
21.08.2020

KM (26.08.2020) 3P 5C