



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.08.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.459 of 2020

Leve Iniko

.. Petitioner

Vs.

1.State through
The Inspector of Police,
Devakottai Taluk Police Station,
(Crime No.216 of 2018)

2. The Branch Manager,
Sri Ram Finance,
Devakottai Branch,
Devakottai,
Sivagangai District.

.. Respondents

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records relating to order passed by the Principal Sessions Judge, Sivagangai by its order dated 29.06.2020 in Crl.M.P.No.1678 of 2020 and modify the first condition alone imposed by the lower Court and allow the said petition.

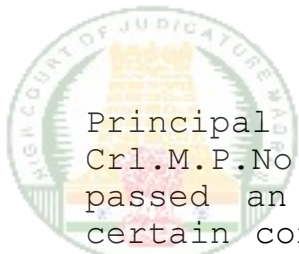
For Petitioner : Mr.S.Muthukumar

For R1 : Mrs.Anandha Devi
Government Advocate

ORDER

This revision has been filed to call for the records relating to the order passed by the Principal Sessions Judge, Sivagangai, in Crl.M.P.No.1678 of 2020, dated 29.06.2020 and to modify the first condition alone imposed by the lower Court.

2. The petitioner claims to be the owner of the JCB bearing Registration No.TN-63-H-2208 and the JCB was seized by the respondent police in Crime No.216 of 2018, under Section 379 I.P.C. and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1992. The petitioner filed a petition before the learned



Principal Sessions Judge, Sivagangai, for return of the vehicle in Crl.M.P.No.1678 of 2020. The learned Principal Sessions Judge, passed an order, on 29.06.2020, for return of the vehicle, on certain conditions. The petitioner filed this Revision against the condition (a) / first condition for surrendering the original R.C. book before the Principal Sessions Court, Sivagangai.

3. On the side of the petitioner, it is stated that the petitioner purchased the vehicle with the financial help of the second respondent and therefore, the Original R.C. book is in the custody of the second respondent. Since the original R.C. book is in the custody of the second respondent, the petitioner is not in a position to surrender the same before the Court and prayed the first condition to be set aside.

4. On the side of the prosecution, it is stated that if the R.C. Book is not produced, there may be a chance for malpractice and prayed the petition to be dismissed.

5. Heard the learned counsel on either side and perused the materials available on record.

6. It is seen that the first condition imposed by the lower Court is genuine. The vehicle involved in the crime is JCB. The value of the vehicle / JCB is more than 45 Lakhs and returning the vehicle without R.C. book will lead to malpractice. Hence, the first condition is valid, in addition to the condition imposed by the learned Principal Sessions Judge, this Court *suo-motu* imposed another condition that the petitioner is directed to execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties before the learned Principal Sessions Judge, Sivagangai.

7. With the above direction, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar ()

// 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 Judge,
Sivagangai
- 2.The Inspector of Police,
Devakottai Taluk Police Station
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S. MUTHUKUMAR, Advocate (SR-14716[F] dated
21/08/2020)

Crl. R.C.(MD)No.459 of 2020
20.08.2020

Ls

SDS (31.08.2020) 3P-5C