



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 08.09.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.496 of 2020

K.Packiam

.. Petitioner/Petitioner

Vs.

The State rep. by
The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
(Crime No.236/2019)

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to set aside the order passed in Crl.M.P.No.348 of 2020, dated 31.01.2020 on the file of the Principal Sessions Judge, Sivagangai and direct them to return the vehicle Tipper Lorry bearing Registration No.TN 77 D 2003 to the petitioner.

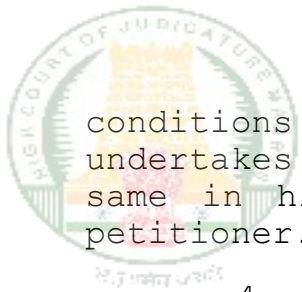
For Petitioner	: Mr.A.Senthil Kumar
For Respondent	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order passed in Crl.M.P.No.348 of 2020, dated 31.01.2020 on the file of the Principal Sessions Judge, Sivagangai.

2. The petitioner is the accused in Crime No.236 of 2019, under Section 21(1) of Mines and Minerals (Development and Regulation) Act and Section 379 I.P.C and the vehicle / Tipper Lorry, bearing Registration No.TN 77 D 2003, was seized by the Police. The petitioner, claiming himself as the owner of the vehicle, filed a petition for return of the vehicle before the learned Principal Sessions Judge, Sivagangai, in Crl.M.P.No.348 of 2020 and the learned Judge dismissed the petition, on 31.01.2020. Against the order of dismissal, the petitioner has come forward with this Criminal Revision Case.

3. On the side of the petitioner, it is stated that the petitioner purchased the vehicle on 25.10.2019 from the original owner viz., Samiappan. Before he transferred the vehicle in his name, the vehicle was seized by the police and kept in the custody of the police from 14.11.2019 onwards and as the vehicle is kept in the custody of the respondent for the past nine months, the value of the vehicle is deteriorating due to climatic conditions. It is stated that the petitioner require the vehicle to be presented before the R.T.O. for getting the R.C. transferred in his name. It is further stated that the petitioner is ready to abide the



conditions that may be imposed by this Court and the petitioner also undertakes to produce the R.C. book as soon as transferring the same in his name and prayed the vehicle to be returned to the petitioner.

4. On the side of the prosecution, it is stated that the petitioner is not the owner of the vehicle. The vehicle stands in the name of one Samiappan. It is further stated that the vehicle was involved in sand theft. The petitioner is an accused in the sand theft case. If the vehicle is returned, he may use the vehicle for committing similar offences and hence, the prosecution objected to the return of the vehicle to the petitioner.

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

6. It is seen from the records that one Gomathi was the original owner of the vehicle. Later, one Samiappan purchased the vehicle in the year 2014. It is stated that the petitioner purchased the vehicle on 25.10.2019 and before transferring the name in the R.C. book, the vehicle was seized by the police. Copy of the Sale agreement was annexed in the typed set. But, copy of the transfer Form, for transferring the vehicle, was not annexed in the typed set. Delivery note was also not attached. The claim of the petitioner is that the petitioner is the accused in the case and he got an anticipatory bail from this Court in Crl.O.P.(MD)No.17041 of 2019 and he was in possession of that vehicle at the time of occurrence. It is seen that the vehicle is in the custody of the police for the past 9 months. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated, due to the climatic conditions. Hence, this Court is inclined to allow the petition with certain conditions.

7. Accordingly, this Criminal Revision Case is allowed and the order passed in Crl.M.P.No.348 of 2020, dated 31.01.2020 on the file of the Principal Sessions Judge, Sivagangai, is set aside and the vehicle / Lorry is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on 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.236 of 2019 on the file of the learned Principal Sessions Judge, Sivagangai. along with a bond for **Rs.10,00,000/- (Rupees Ten Lakhs only)** with two sureties for a like sum and on further condition that the **RC book is to be deposited before the Court within a period of two weeks** from the date of return of the vehicle.

(ii) The petitioner has to file an affidavit



undertaking to produce the R.C.Book within a period of two weeks from the date of return of the vehicle:

(iii)The petitioner shall not make any alienation or alterations in the vehicle;

WEB COPY

(iv)The petitioner shall produce the vehicle before the Court and before the respondent as and when required, by the Court and by the respondent.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Sivagangai Taluk Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No.496 of 2020
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