



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.520 of 2020

WEB COPY

Suthanthiran

.. Petitioner/Petitioner/Accused No.1

Vs.

The State rep through
The Inspector of Police,
V.Chathirapatti Police Station,
Madurai District,
in Crime No.19 of 2019

.. Respondent/Respondent/Complainant

Prayer : This Revision Case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records pertaining to the order dated 31.08.2020 made in Crl.M.P.No.4041 of 2020 passed by the learned Principal District Judge, Madurai District and to set aside the same consequently direct the learned Principal District Judge, Madurai to release the vehicle bearing Registration No.TN 67 AZ 0176 and TN 67 X 5088 Tractor and Tractor to the petitioner.

For Petitioner : Mr.D.S.Haroon Rasheed

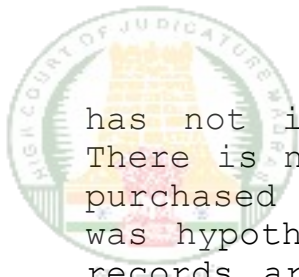
For Respondent : Mr.K.Dinesh Babu
Additional Public Prosecutor

ORDER

This revision has been filed to set aside the order dated 31.08.2020 made in Crl.M.P.No.4041 of 2020 passed by the learned Principal District Judge, Madurai District and consequently to direct the learned Principal District Judge, Madurai to release the Tractor bearing Registration No.TN 67 AZ 0176 and the trailer bearing Registration No.TN 67 X 5088, to the petitioner.

2. The petitioner claiming himself as the owner of the Tractor bearing Registration No.TN 67 AZ 0176 and the trailer bearing Registration No.TN 67 X 5088, which was said to have been involved in a sand theft case in Crime No.19 of 2019 on the file of V.Chathirapatti Police. The petitioner filed a petition for return of property in Crl.M.P.No.4041 of 2020, before the Principal District Judge, Madurai and the same was dismissed by the learned Judge. Against which, the petitioner preferred this revision.

3. On the side of the petitioner, it is stated that the petitioner used the vehicle / Tractor and Trailer for transporting goods and the building materials. The petitioner



has not involved in any illegal transportation of sand theft. There is no previous antecedents in this regard. The vehicle was purchased by the petitioner from the original owner and the same was hypothecated in a private finance company. All the relevant records are in the hands of the private financial company. The petitioner has produced the certificate for depositing the R.C.Book with the finance company. If the vehicle is kept open, the value of the vehicle will be deteriorated due to rain and sun and prayed the vehicle to be returned to the petitioner.

4. On the side of the prosecution, it is stated that as per the decision of this Court, reported in CDJ 2018 MHC 7179 [Muthu Vs. District Collector and others], and the order of the Hon'ble Supreme Court reported in C.D.J 2003 S.C. 061 : 2002 (10) SCC 283 [Sundarbhai Ambalal Desai Vs. State of Gujarat], the vehicle should not be returned to the petitioner. If the vehicle is returned to the petitioner, there is every possibility for the vehicle being used for the same offence again 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 petitioner has not produced any document to show that he is the owner of the property. Only a xerox copy of a letter given by a private financial company was filed by the petitioner. There is no records sufficient enough to prove that the petitioner is the owner. The petitioner has submitted that the documents were handed over to the financial company.

7. In the above circumstances, this Court is not inclined to allow the revision. Hence, this Criminal Revision Case is dismissed with liberty to the petitioner to file a fresh petition on production of the R.C. book in his name.

Sd/-

Assistant Registrar (W)

// 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 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.

WEB COPY

To

- 1.The Principal District Judge,
Madurai District.
2. The Inspector of Police,
V.Chathirapatti Police Station,
Madurai District.

Copy to

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

Crl. R.C. (MD) No.520 of 2020
28.09.2020

SRK(CO)
KM (06.10.2020) 3P 4C