



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.562 of 2020

T.Rajini

.. Petitioner

Vs.

State through rep. By
Inspector of Police,
Aravakuruchi Police Station,
Karur District.
(Crime No.382 of 2019)

.. Respondent

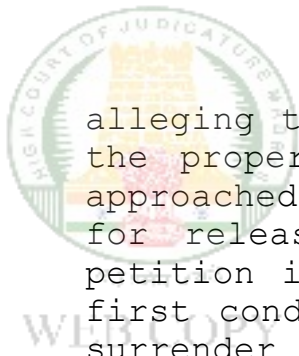
Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records and to set aside the order passed in Cr.M.P.No.1103 of 2020, dated 25.08.2020 on the file of the learned Sessions Judge, Karur in Crime No.382 of 2019 on the file of the respondent police pertaining to the condition I.e. (I). "the petitioner is directed to surrender the original R.C. Book and also to deposit a sum of Rs.2,00,000/- before this Court to Crime No.382 of 2019 of Aravakuruchi Police Station and compliance of the condition, the above vehicle was remanded in R.P.No.35 of 2020 of District Munsif cum Judicial Magistrate, Aravakuruchi shall be returned to the petitioner on interim custody" as order passed in the Cr.M.P.No.1103 of 2020, dated 25.08.2020 on the file of the learned Sessions Judge, Karur in Crime No.382 of 2019 on the file of the respondent Police.

For Petitioner	: Mr.R.Mathiyalagan
For Respondent	: Mrs.S.Bharathi, Government Advocate (Crl. Side)

ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.1103 of 2020 dated 25.08.2020, on the file of the learned Sessions Judge, Karur in respect of condition No.1 alone and to hand over the interim custody of the vehicle bearing Registration No.TN-29-AB-8035 belongs to the petitioner.

2.The petitioner claims to be the owner of the JCB bearing Registration No.TN-29-AB-8035. The respondent seized the JCB



alleging that the vehicle was involved in sand theft and produced the property before the Court. Subsequently, the petitioner has approached the learned Sessions Judge, Karur, by filing a petition for release of the vehicle and the learned Judge allowed the petition in Crl.M.P.No.1103 of 2020 dated 25.08.2020, by imposing first condition to the effect that the petitioner is directed to surrender the original R.C. Book and also to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) before this Court to Crime No.382 of 2019 of Aravakuruchi Police Station. Challenging the aforesaid condition, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that due to covid situation, the petitioner is not in a position to produce the original R.C. Book. It is further stated that the vehicle was manufactured in the year 2007. The value of the vehicle will be less than Rs.1,00,000/- (Rupees One Lakh only) and prayed that the condition no.1 imposed in Crl.M.P.No.1103 of 2020 is to be set aside.

4.On the side of the respondent, it is stated that the value of JCB will be more than Rs.27,00,000/- (Rupees Twenty Seven Lakhs only). If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offence and prayed the revision to be dismissed.

5.The covid situation is not a bar for the petitioner to deposit the original R.C. Book. The petitioner can convince the financier and then deposit the original R.C. Book before the Court for return of JCB. The condition imposed by this Court is reasonable and there is nothing sufficient enough to interfere in the order of the Special Court.

6.Hence, this Criminal Revision Case is dismissed and the order passed in Crl.M.P.No.382 of 2019 dated 25.08.2020, on the file of the learned Sessions Judge, Karur is confirmed.

Sd/-

Assistant Registrar ()

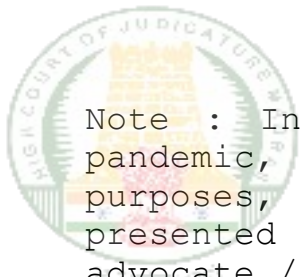
// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

<https://hcservices.ecourts.gov.in/hcservices/>



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 Sessions Judge, Karur.
- 2.The District Munsif cum
Judicial Magistrate,
Aravakuruchi.
- 3.The Inspector of Police,
Aravakuruchi Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.562 of 2020
02.12.2020

SGS (CO)
KM (09.12.2020) 3P 5C