



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 03.12.2020

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.565 of 2020

A.Prabhakaran

.. Petitioner

Vs.

The Inspector of Police,
Keeranur Police Station,
Pudukkottai,
Pudukkottai District.

.. Respondent

Prayer : This criminal revision case filed under Sections 397 & 401 of Cr.P.C., to call for the records in Cr.M.P.No.3266 of 2020 dated 26.08.2020 on the file of the Principal District and Sessions Judge, Pudukkottai and to set aside the same.

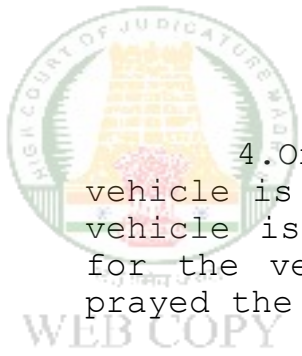
For Petitioner	: Mr.G.Mathavan
For Respondent	: Mr.A.Saravanakumar Government Advocate(Crl.Side)

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.3266 of 2020 dated 26.08.2020, on the file of the learned Principal District and Sessions Judge, Puthukottai to grant interim custody of tipper lorry bearing Registration No.TN-18-D-0320 to the petitioner.

2.The petitioner claims to be the owner of the tipper lorry bearing registration No.TN-18-D-0320, which was seized by the respondent Police in Crime No.178 of 2020 for the offence under Sections 269 and 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act. The petitioner has filed a petition in Cr.M.P.No.3266 of 2020 before the learned Principal District and Sessions Judge, Pudukkottai for return of the vehicle. The petition was dismissed by the trial Court. Against which, the petitioner has preferred this revision case.

3.On the side of the petitioner, it is stated that the petitioner purchased the vehicle on 10.04.2020. Due to covid situation, the petitioner was not able to transfer the vehicle in his name and the presence of the vehicle is necessary for transferring the name in the R.C. Book and prays the vehicle to be returned to the petitioner.



4. On the side of the respondent, it is stated that the vehicle is involved in sand theft, which is a social offence. 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 petition to be dismissed.

5. Hence, the vehicle was seized by the respondent police on 26.04.2020. The petitioner said to have purchased the vehicle only on 10.04.2020. If the vehicle is kept in an open place, the value of the vehicle will be deteriorated. Hence, this Criminal Revision Case is allowed and the order of the learned Principal District and Sessions Judge, Pudukkottai in Cr.M.P.No.3266 of 2020 is set aside and the learned Judge is directed to return the vehicle to the petitioner for interim custody subject to the confiscation proceedings 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.178 of 2020 on the file of the learned Principal District and Sessions Judge, Pudukkottai within a period of two weeks from the date of receipt of a copy of this order ;

(ii) The petitioner is directed to execute a bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned learned Principal District and Sessions Judge, Pudukkottai ;

(iii) The petitioner is directed to file an undertaking affidavit to produce the original Registration Certificate before the learned Principal District and Sessions Judge, Pudukkottai within a period of two weeks from the date of return of the vehicle after getting it transferred in his name ;

(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 ;

Sd/-

Assistant Registrar (CS-III)

// 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 Principal District and Sessions Judge,
Pudukottai.
- 2.The Inspector of Police,
Keeranur Police Station,
Pudukkottai,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.565 of 2020

03.12.2020

SSS(CO)
NR (10/12/2020) 3P : 4C