



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 29.09.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.535 of 2020

Mahalingam

.. Petitioner

Vs

The State,
Re. by the Inspector of Police,
Mathur Police Station,
Pudukottai District.
(Crime No.207 of 2020)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to call for the records relating to the order in Cr.M.P.No.3268 of 2020 dated 26.08.2020 on the file of the learned Principal District and Sessions Judge, Pudukottai and to set aside the same and thereby order the interim custody of the vehicle in favour of the petitioner.

For Petitioner	: Mr.P.Ganapathi Subramanian
For Respondent	: Mr.K.Dinesh Babu, Additional Public Prosecutor

ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.3268 of 2020 dated 26.08.2020, on the file of the learned Principal District and Sessions Judge, Pudukottai.

2.The petitioner claims to be the owner of the tipper lorry bearing Registration No.TN-32-R-7233. The respondent seized the lorry belonging to the petitioner alleging that the lorry was involved in sand theft and the vehicle was seized by the police in Crime No.207 of 2020. Subsequently, the petitioner has approached the learned Principal District and Sessions Judge, Pudukottai, by filing a petition for release of the vehicle and the learned Judge dismissed the petition in Crl.M.P.No.3268 of 2020 dated 26.08.2020. Against which, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the vehicle was used only for agricultural purpose. The petitioner and his family members are depending on the vehicle for their livelihood. If the vehicle was kept in open, the vehicles will be damaged due to climatic condition and prayed to allow the petition.

4.On the side of the respondent, it is stated that the petitioner is A2 in the case. 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.It is seen that the original R.C. Book is in the custody of the Finance Company and the Finance Company has given a certificate to that effect. Since the original R.C. Book was not produced before the trial Court, the trial Court dismissed the petition in Cr.M.P.No.3268 of 2020 filed by the petitioner.

6.There is no dispute regarding the ownership of the vehicle. If the vehicle is kept in open, 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.3268 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 the original Registration Certificate of the vehicle with the learned Principal District and Sessions Judge, Pudukkottai;

(ii)The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.207 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 ;

(iii)The petitioner is directed to execute a bond for a sum of Rs.5,00,000/- (Rupees five lakhs only) with two sureties, each for a like sum to the satisfaction of the learned learned Principal District and Sessions Judge, Pudukkottai ;

(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/-

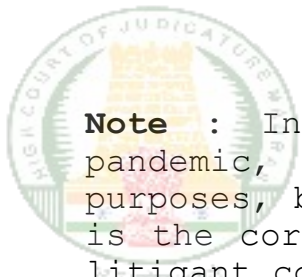
Assistant Registrar (crl.side)

// 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.

WEB COPY

To

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

Crl. R.C. (MD) No. 535 of 2020
29.09.2020

MA (CO)
KB (06.10.2020) 3P 4C