



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 01.10.2020
CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI
Crl. R.C.(MD)No.540 of 2020

Rajkumar .. Petitioner/Sole Accused
Vs.

The State,
Re. by the Inspector of Police,
Mathur Police Station,
Pudukottai District. .. Respondent/Complainant

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.3269 of 2020 dated 25.08.2020 on the file of the learned Principal District and Sessions Judge, Pudukkottai 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.3269 of 2020 dated 25.08.2020, on the file of the learned Principal District and Sessions Judge, Pudukottai.

2.The petitioner claims to be the owner of the Tractor with trailer bearing Registration No.TN-45-AK-5382. The respondent seized the vehicle belonging to the petitioner alleging that the vehicle was involved in sand theft and the vehicle was produced before the Judicial Magistrate Court, Keeranur. 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.3269 of 2020 dated 25.08.2020. Against which, the petitioner is before this Court with this revision case.

3.On the side of the petitioner, it is stated that the petitioner is the owner of the vehicle. He purchased the vehicle on 10.04.2020. Before getting the R.C. Book transferred in his name, the lock down was declared and the petitioner was not able to register the vehicle. At this stage, the case was registered and the petitioner could not transfer the R.C. Book in his name. Thereafter, the petitioner mortgaged the vehicle with the private company and



got loan by handing over the original R.C. Book with the private company.

4.On the side of the petitioner, it is further stated that the vehicle is needed for the petitioner for the livelihood of the family members and it is stated that the value of the vehicle will be deteriorated, if the vehicle is kept in a open place. There is no rival claim and prayed the vehicle to be returned to the petitioner.

5.On the side of the respondent, it is stated that the vehicle was used for the sand theft. Sand theft creates shortage of ground water level affecting millions of people. 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.

6.It is seen that the vehicle was seized and produced before the learned Judicial Magistrate, Keeranur in R.P.No.125 of 2020. The petitioner has produced sales certificate, Form 29 and Form 30. The contention of the petitioner is that after the registration of this case, he mortgaged the vehicle with a private Finance Company. The petitioner admitted that R.C. Book is not in his name. Only to avoid the deposit of R.C. Book before the Court, the petitioner is claiming that he mortgaged the vehicle by depositing the R.C. Book with the private Finance Company.

7.In the above circumstance, there is nothing sufficient enough to prove that the petitioner is the owner of the vehicle and the prayer of the petitioner cannot be considered at this stage. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CO)

// 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,
Mathur Police Station,
Pudukottai District.

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

Crl. R.C.(MD)No.540 of 2020

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DKS (CO)

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