



WEB COPY

Crl. R.C.(MD)No.586 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 03.12.2020
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.586 of 2020

and

Crl.M.P.(MD)No.5321 of 2020

Sathishkumar

.. Petitioner

Vs.

State through,
The Inspector of Police,
Lalapet Police Station,
Karur District.
(Crime No.386 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 passed by the learned Sessions Judge, Karur in Cr.M.P.No.1039 of 2020 dated 15.09.2020 and to set aside the same.

For Petitioner	: Mr.C.Susi Kumar
For Respondent	: Mr.A.Saravanakumar Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.1039 of 2020 dated 15.09.2020, on the file of the learned Sessions Judge, Karur to grant interim custody of vehicle bearing Registration No.TN-69-M-9995 to the petitioner.

2.The petitioner claims to be the owner of the vehicle bearing registration No.TN-69-M-9995, which was seized by the respondent Police in Crime No.386 of 2020 for the offence under Section 21(1) of Mines and Minerals (Development and Regulations) Act and Section 379 of IPC. The petitioner has filed a petition in Cr.M.P.No.1039 of 2020 before the learned Sessions Judge, Karur 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 vehicle was not involved in any sand theft. The petitioner used the vehicle only to dig red soil in a patta land. The petitioner was acquitted in the earlier case. The vehicle is kept open space for the past two months and prays the vehicle to be returned to the petitioner.

4.On the side of the respondent, it is stated that the sand

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theft 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. The petitioner is involved in very same offence in Crime No.49 of 2014 on the file of the Lalapet Police Station and prayed the petition to be dismissed.

5.It is seen that the vehicle was already involved in another offence. The contention of the petitioner is that the petitioner was acquitted in the previous case. No purpose will be served in keeping the vehicle idle. If the vehicle is kept in the open space, the value of the vehicle will be deteriorated. In the above circumstances, this Criminal Revision Case is allowed and the order of the learned Sessions Judge, Karur in Cr.M.P.No.1039 of 2020 is set aside and consequently, connected Crl.M.P.(MD)No.5321 of 2020 is closed and the learned Magistrate 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 Sessions Judge, Karur ;

(ii)The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.386 of 2020 on the file of the learned Sessions Judge, Karur 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.3,00,000/- (Rupees three lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Karur.

(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 II)

// 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.

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To

1.The Judicial Magistrate No.I, Kulithalai.

2.The Sessions Judge, Karur.

3.The Inspector of Police,
Lalapet Police Station,
Karur District.

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

Crl. R.C.(MD)No.586 of 2020
09.12.2020

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