



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 18.12.2020
CORAM

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THE HONOURABLE MRS.JUSTICE R.THARANI

CrI. R.C.(MD)No.576 of 2020

K.Karthika

... Revision Petitioner/Petitioner

Vs.

The State,
Rep. By the Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur.
(Crime No.3 of 2020)

... Respondent/Respondent

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to call for the records of the learned Special Court under the Mines and Minerals (D & R) Act 1957, Thanjavur in Cr.M.P.No.686 of 2020 and to set aside the order dated 11.09.2020.

For Petitioner : Mr.M.Karunanithi, Advocate
For Respondent : Mrs.S.Bharathi
Government Advocate

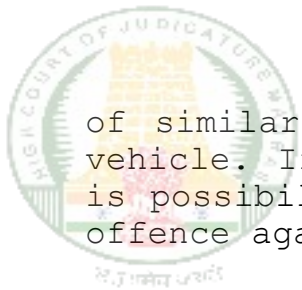
ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.686 of 2020 dated 11.09.2020, on the file of the learned Principal Session Judge, Thanjavur, to grant interim custody of vehicle bearing Registration No.TN-61-R-1819 to the petitioner.

2.The petitioner claims to be the owner of the tipper lorry bearing registration No.TN-61-R-1819, which was seized by the respondent Police in Crime No.3 of 2020 for the offence under Sections 379 of IPC and 36(A) of MMDR Rules. The petitioner has filed a petition in Cr.M.P.No.686 of 2020 before the learned Principal Sessions Judge, Thanjavur 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 if the vehicle is kept in the open, the value of the vehicle will be deteriorated by the exposure to the climatic condition and prayed the vehicle to be returned to the petitioner.

4.On the side of the respondent, it is stated that earlier a case was registered in Crime No.203 of 2019 against the vehicle of the petitioner. Again the same vehicle was used for the commission



of similar offence. This is the second offence involving the same vehicle. If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offence again and prayed the petition to be dismissed.

5. It is seen that there is no use in keeping the vehicle idle in the open space by exposing it to the climatic condition. Hence, this Criminal Revision Case is allowed and the order of the learned Principal Sessions Judge, Thanjavur in Cr.M.P.No.686 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 Sessions Judge, Thanjavur;

(ii) The petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of Crime No.3 of 2020 on the file of the learned Principal Session Judge, Thanjavur, 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 Principal Session Judge, Thanjavur ;

(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;

(vi) The petitioner shall file an undertaking affidavit stating that if the conditions imposed by this Court are violated, he would not be granted any return of the property in future ;

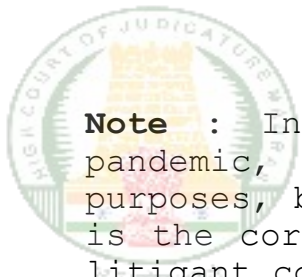
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



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 Principal Session Judge,
Special Court under the Mines and Minerals(D & R) Act,
Thanjavur.
- 2.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl. R.C.(MD)No.576 of 2020
18.12.2020

MRN

TK/SAR./18.01.2021/3P/4C