



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 10.12.2020
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.578 of 2020

Kumarasamy .. Petitioner /Petitioner/ Petitioner
Vs.

State.
Rep.by the Sub-Inspector of Police,
Vangal Police Station,
Karur District.
(Crime No.30/2020) .. Respondent /Respondent/ Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records of the Sessions Judge, Karur, in Crl.M.P.No.1176 of 2020, dated 02.09.2020 and to set aside the same and further to direct the Sessions Judge, Karur to grant interim custody of vehicle viz. JCB bearing Registration No.TN-47-AQ-3098 without insisting the original R.C. Book to the petitioner.

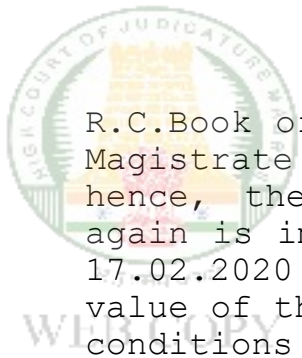
For Petitioner : Mr.S.Madhavan
For Respondent : Mr.A.Saravana Kumar
Government Advocate (crl.side)

ORDER

This revision has been filed to call for the records of the Sessions Judge, Karur, in Crl.M.P.No.1176 of 2020, dated 02.09.2020 and to set aside the same and further to direct the Sessions Judge, Karur to grant interim custody of vehicle viz. JCB bearing Registration No.TN-47-AQ-3098 without insisting the original R.C. Book to the petitioner.

2. A JCB bearing Registration No.TN-47-AQ-3098 was seized by the respondent police on 17.02.2020, in Crime No.30 of 2020. The petitioner himself claiming as the owner of the vehicle filed a petition in Crl.M.P.No.739/2020 before the Sessions Judge, Karur, for return of the vehicle. That petition was allowed by the Sessions Judge, Karur, on 02.07.2020. Thereafter, the petitioner approached the Sessions Court for modification of the first condition in Crl.M.P.No.739/2020. That petition was dismissed by the Sessions Court, on 02.09.2020. Against that order the petitioner approached this Court by way of filing this Criminal Revision.

3. On the side of the petitioner, it is stated that the
<https://hcservices.ecourts.gov.in/hcservices/>



R.C.Book of the vehicle was already surrendered before the Judicial Magistrate No.II, Karur, in connection with the another case and hence, the first condition, to surrender the Original R.C.Book, again is impossible to comply with. It is further stated that from 17.02.2020 onwards the vehicle is kept in the open place and the value of the vehicle will be deteriorated day by day due to climatic conditions and hence, prayed the petition to be allowed.

4. On the side of the respondent, it is stated that already the vehicle was involved in similar type of offence in Crime No.121/2019 on the file of the Vangal Police Station and again the vehicle was used for the commission of similar offence. The condition imposed by this Court in the earlier case was not complied by the petitioner. Since the petitioner violated the bond condition, he is not entitled for return of the property / JCB and prayed the petition to be dismissed.

5. It is seen that the vehicle is used again and again for commission of similar offence. It is seen that already the R.C.Book of the vehicle was surrendered before the Judicial Magistrate No.II, Karur, on the direction of this Court in W.P.(MD)No.12068 of 2019, dated 15.05.2019. On the side of the petitioner, it is sated that the petitioner is ready to give an undertaking affidavit that the vehicle will not be used for commission of any offence. It is seen that the vehicle is in the custody from 17.02.2020 on wards, the value of the vehicle will be deteriorated day by day.

6. In the above circumstances, this Court is inclined to return the vehicle/JCB by modifying the first condition to the effect that the petitioner has to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) before the Judicial Magistrate No.II, Karur. In respect of other conditions, the order of the Sessions Judge shall remain unaltered. The surrender of R.C.Book in Crime No.121/2019 will be taken as a surrender in Crime No.30/2020 also. If at all the vehicle was used for commission of any other offence, the entire order of return of the property will be hereby cancelled and the vehicle will be liable to be confiscated as per law.

7. With the above directions, this Criminal Revision Case is allowed, subject to the confiscation proceedings to be taken in both the cases ie. Crime No.121/2019 and 30/2020.

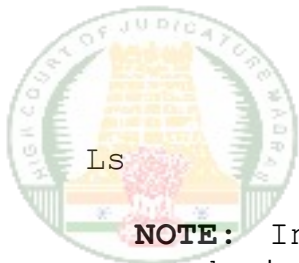
Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Ls

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 Sessions Judge,
Karur.
2. The Judicial Magistrate No.II,
Karur.
3. The Chief Judicial Magistrate,
Karur.
4. The Sub-Inspector of Police,
Vangal Police Station,
Karur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.578 of 2020
10.12.2020

—
ns (CO)

KK(22.12.2020) 3P 6C