



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.588 of 2020

R.Sivathiveeran

.. Petitioner/Petitioner

Vs.

The State Rep. By,
The Inspector of Police,
Usilampatti Town Police Station,
In Crime No.182 of 2020

.. 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 dated 27.08.2020 made in Crl.M.P.No.3856 of 2020 on the file of the learned Principal District Judge, Madurai and to set aside the same by allowing this Criminal Revision Petition.

For Petitioner	: Mr.J.Senthil Kumaraiah
For Respondent	: Mr.A.Saravana Kumar Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.3856 of 2020 dated 27.08.2020, on the file of the learned Principal District Judge, Madurai.

2.The petitioner claims to be the owner of the tractor and trailer bearing registration Nos.TN-65-E-6152 and TN-57-W-5163 respectively, which were seized by the respondent Police in Crime No.182 of 2020 for the offence under 379 of IPC r/w. 21(5) of MMDR Act. The petitioner has filed a petition in Cr.M.P.No.3856 of 2020 before the learned Principal District Judge, Madurai 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 petitioner is ready to pay a sum of Rs.25,000/- (Rupees Twenty Thousand only) as cost and he referred an order of this Court in W.P.(MD)No.12639 of 2019 dated 29.05.2019. In support of his contention, the judgment of the Hon'ble Apex Court in the case of ***Sundarbhai Ambalal Desai v. State of Gujarat*** reported in ***2003(1) CTC 175*** is also cited.

4.On the side of the respondent, it is stated that sand 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 R.C. Book was already in the custody of the Court. The same vehicle was involved in two offences and prays the petition to be dismissed.



5.The Sessions Court has observed that the petitioner violated the condition imposed by this Court in W.P.(MD)No.12639 of 2019, wherein this Court has observed that "if this undertaking given by the petitioner is breached, the petitioner will not be entitled to interim release of the vehicle in future".

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6.It is seen that the vehicle was already involved in similar offence. This Court has passed an order in W.P.(MD)No.12639 of 2019 dated 29.05.2019. The petitioner has breached the condition. A person, who breached the condition of this Court, cannot approach this Court for a relief.

7.In the above circumstances, since the petitioner breached the undertaking given before the Court, this Court is not inclined to interfere in the order of the trial Court. Hence, this Criminal Revision Case is dismissed and the order passed in Cr.M.P.No.3856 of 2020 dated 27.08.2020, on the file of the learned Principal District Judge, Madurai is confirmed.

Sd/-

Assistant Registrar (P&A)

// 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 Judge

Madurai.

Madurai District.

2.The Inspector of Police,

Usilampatti Town Police Station,

Madurai District.

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court,

Madurai.

Crl. R.C. (MD)No.588 of 2020

02.12.2020

MR (CO)

KB(15.12.2020) 2P 4C

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