



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.602 of 2020

Kannan

.. Petitioner/Petitioner

Vs.

State through:-

The Sub Inspector of Police,
Thogamalai Police Station,
Karur District.

Crime No.353 of 2020

.. Respondent/Respondent

Prayer : This criminal revision case filed under Sections 397 & 401 of Cr.P.C., to call for the records relating to the order passed by the Sessions Judge, Karur in Cr.M.P.No.1379 of 2020 dated 30.09.2020 and to set aside the same.

For Petitioner : Mr.C.Susi kumar

For Respondent : Mr.S.Chandrasekar

Additional Public Prosecutor

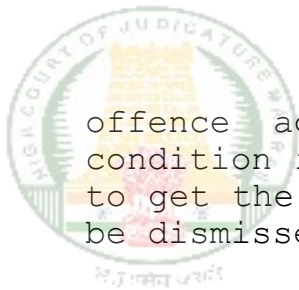
ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.1379 of 2020 dated 30.09.2020, on the file of the learned Sessions Judge, Karur to grant interim custody of tipper lorry bearing Registration No.TN-46-K-9454 to the petitioner.

2.The petitioner claims to be the owner of the tipper lorry bearing registration No.TN-46-K-9454, which was seized by the respondent Police in Crime No.353 of 2020 for the offence under Sections 379 of IPC and 21(1) of Mines and Minerals (Development and Regulation) Act. The petitioner has filed a petition in Cr.M.P.No.1379 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 petition was dismissed by the lower Court and on the ground that the confiscation proceeding is initiated. Now as it is rainy season, if the vehicle is kept open, the value of the vehicle will be deteriorated and prays the vehicle to be returned to the petitioner.

4.On the side of the respondent, it is stated that the tipper lorry and JCB bearing Registration Nos.TN-46-K-9454 and TN-45-BH-5496 respectively were seized by the respondent police on the same date. The vehicle was used for commission of an earlier offence. If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar



offence again. Since the petitioner has violated the earlier condition imposed by the lower Court, the petitioner is not entitled to get the interim custody of the vehicle and prayed the petition to be dismissed.

5. On the side of the petitioner, it is stated that the earlier case was only against the JCB, it does not involve the tipper lorry.

6. It is seen that the vehicle was not involved in previous case and if the vehicle is kept in a open place, the value of the vehicle will be deteriorated. Hence, this Criminal Revision Case is allowed and the order of the learned Sessions Judge, Karur in Cr.M.P.No.1379 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 Sessions Judge, Karur ;

(ii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakhs only) to the credit of Crime No.353 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 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 (CSIII)

// 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 Sessions Judge, Karur.

2.The Sub Inspector of Police,
Thogamalai Police Station,
Karur District.

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

Crl. R.C. (MD) No.602 of 2020
09.12.2020

NS (CO)

KB(16.12.2020) 3P 4C