



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 23.12.2020

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THE HONOURABLE MRS.JUSTICE R.THARANI

Crl. R.C.(MD)No.714 of 2020

M.Vellaisamy

.. Petitioner / Sole Accused

Vs.

State Through
The Inspector of Police,
Illuppur Police Station,
Pudukkottai District.
(Crime No.154/2020)

.. Respondent / Complainant

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., against the judgment passed by the learned Additional District and Sessions Judge / Presiding Officer, Special Court for E.C. & NDPS Act Cases, Principal Sessions Judge (FAC), Pudukottai, in Cr.M.P.No.3804/2020, dated 14.10.2020.

For Petitioner : Mr.N.Kamesh

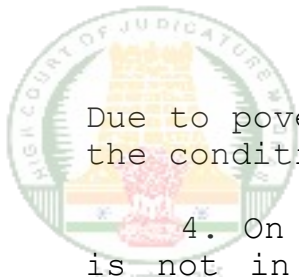
For Respondent : Mr.A.Saravana Kumar
Government Advocate (crl.side)

ORDER

This revision has been filed against the judgment passed by the learned Additional District and Sessions Judge / Presiding Officer, Special Court for E.C. & NDPS Act Cases, Principal Sessions Judge (FAC), Pudukottai, in Cr.M.P.No.3804/2020, dated 14.10.2020.

2. The vehicle /TVS Scooty Pep bearing Registration No.TN-49-AQ-0933 was seized by the respondent police in Crime No.154 of 2020. The petitioner claiming himself as the owner of the property, filed a petition before the Special Court, in Cr.M.P.No.3804 of 2020. That petition was allowed by the Special Court, with certain conditions and the first condition is to deposit a sum of Rs.25,000/- before the Judicial Magistrate, Illuppur. Against that condition, the petitioner has preferred this Criminal Revision Case.

3. On the side of the petitioner, it is stated that the vehicle is only a two wheeler, there is no possibility for transporting sand in the vehicle and the petitioner is a physically challenged person.



Due to poverty, he could not deposit a sum of Rs.25,000/- and prayed the condition to the deleted.

4. On the side of the respondent, it is stated that the vehicle is not in the name of the petitioner. The petitioner is not the owner of the property. If the vehicle is returned to the petitioner, without any condition, there is every possibility for the vehicle to be used for commission of similar offence and prayed the petition to be dismissed.

5. A verification of the records reveals that the R.C. book is not in the name of the petitioner. The petitioner claims that the petitioner purchased the property only during December - 2019 and before he transfer the vehicle in his name, lock down was announced. Since the Registration Certificate is not in the name of the petitioner, the petitioner can file an undertaking affidavit that he will submit the original Registration Certificate after the vehicle is transferred to his name.

6. In the above circumstances, this Court is inclined to return the vehicle/two wheeler by modifying the first condition. Hence, the first condition is modified to the effect that the petitioner is directed to file an affidavit to submit the Original R.C. Book, within a period of one month, after the same is transferred to his name and also to deposit a sum of Rs.15,000/- before the Judicial Magistrate, Illuppur. Thereafter, the petitioner is directed to produce the original Registration Certificate, in his name within a period of one month from the date of return of the vehicle, failing which the order of this Court and that of the lower Court will stand cancelled. In respect of other conditions, the order of the Special Court shall remain unaltered.

7. With the above direction, this Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar

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 Additional District and Sessions Judge / Presiding Officer,
Special Court for E.C. & NDPS Act Cases,
Principal Sessions Judge (FAC), Pudukottai.
2. The Inspector of Police,
Illuppur Police Station,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.714 of 2020
23.12.2020

Ls
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