



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

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.615 of 2020

WEB COPY

K.Vairakkannu

..Petitioner/Petitioner

Vs.

The State rep. By,
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur.
(Crime No.292 of 2019)

..Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to call for the entire records pertaining to the order passed by the learned Principal District and Sessions Judge, Thanjavur District in Cr.M.P.No.3124 of 2020 vide its order dated 18.09.2020 and to quash the same and consequently, direct the above said learned Principal District and Sessions Judge to return the petitioner's Tipper lorry namely Ashok Leyland bearing its registration number TN-21-H-7014, kept in the custody of the above said learned Principal District and Sessions Judge in connection with the case in Crime No.292 of 2019 on the file of the respondent Police to the petitioner.

For Petitioner	: Mr.S.Elumalai
For Respondent	: Mrs.S.Bharathi
	Government Advocate

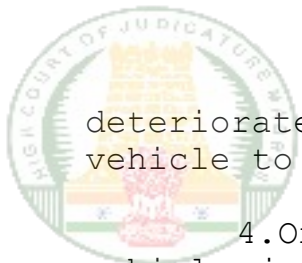
ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.3124 of 2020 dated 18.09.2020, on the file of the learned Principal Session Judge, Thanjavur, to grant interim custody of vehicle bearing Registration No.TN-21-H-7014 to the petitioner.

2.The petitioner claims to be the owner of the tipper lorry bearing registration No.TN-21-H-7014, which was seized by the respondent Police in Crime No.292 of 2019 for the offence under Section 36(A) of MMDR Rules. The petitioner has filed a petition in Cr.M.P.No.3124 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 place, the value of the vehicle will be

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deteriorated by 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 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.3124 of 2020 is set aside and the learned Judge is directed to verify the R.C. Book of the petitioner and if it is found out that the petitioner is the owner of the vehicle and then he shall 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 Session Judge, Thanjavur ;

(ii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.292 of 2019 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 ;

Sd/-

Assistant Registrar (CS-I)

// 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 /

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To

1.The Principal Session Judge, Thanjavur.

2.The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur.

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

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18.12.2020

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