



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C. (MD)No.568 of 2019

R.Geetha

...Petitioner/Vehicle Owner

Vs.

The State rep. by
Inspector of Police,
Velliyanai Police Station,
Karur District.
(Crime No.287 of 2018)

...Respondent/Complainant

PRAYER: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, to call for the entire records relating to the order dated 22.10.2018 made in Cr.M.P No.5541 of 2018, on the file of Judicial Magistrate Court No.II, Karur and set aside the same as illegal and entrust the custody of the vehicle namely Scorpio VLX bearing Registration No.TN77 BB 7777 to the petitioner.

For Petitioner : Mr.M.Seenisulthan

For Respondent : Mr.A.Robinson
Government Advocate (Crl. Side)

O R D E R

Heard the learned counsel on either side.

2. The petition mentioned vehicle was seized by the respondent police in connection with Cr.No.287 of 2018 for the alleged offence of illegal transportation of sand, under Section 379 IPC r/w 21(1) (A) (B) Mines and Minerals Act 1957.

3. Today when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that the vehicle in question was not at all involved in the occurrence.

4. Be that as it may, I am of the view that keeping the vehicle in the custody of the respondent police does not serve any purpose. The learned counsel for the petitioner rightly brings to my notice the decision reported in **(2002) 10 SCC 283 (Sunderbhai Ambalal Desai Vs State of Gujarat)**.

5. In view of the above, the respondent is directed to return the petition mentioned vehicle to the petitioner forthwith without any delay. However, the petitioner is directed not to alienate the



vehicle and produce before the respondent as and when required.

6. With the above directions, the order of court below is hereby set aside and the Criminal Revision is allowed.

WEB COPY

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Vrn

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 Judicial Magistrate,
Court No.II,
Karur.
- 2.The Inspector of Police,
Velliyanai Police Station,
Karur District.
(Crime No.287 of 2018)
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AP(15/06/2020) 2P 4C