



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 01.12.2020

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.634 of 2020

S.Stephanraj

.. Petitioner/Petitioner

Vs.

The State represented by
The Inspector of Police,
Thanjavur South Police Station,
Thanjavur.
(In Crime No.109 of 2019)

.. Respondent/Complainant

Prayer : This criminal revision case is filed under Section 397 r/w. Section 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.2814 of 2020 vide its order dated 03.09.2020 and set aside the same and consequently direct the above said learned Principal District and Sessions Judge, Thanjavur District to return the petitioner's Bolero Maxi Truck Plus bearing its registration No.TN 48 AS 0317, kept in the custody of the above said learned Principal District and Sessions Judge, Thanjavur District in connection with the case in Crime No.109 of 2019 on the file of the respondent police to the petitioner.

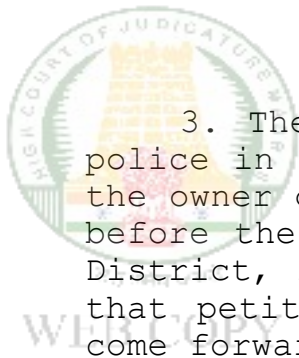
For Petitioner : Mr.S.Elumalai

For Respondent : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the learned Principal District and Sessions Judge, Thanjavur District, in Cr.M.P.No.2814 of 2020, dated 03.09.2020 and consequently to direct the respondent to return the vehicle viz., Bolero Maxi Truck Plus bearing registration No.TN 48 AS 0317 to the petitioner.

2. Heard both sides.



3. The vehicle of the petitioner was seized by the respondent police in Crime No.109 of 2019. The petitioner claiming himself as the owner of the property filed a petition for return of the vehicle before the learned Principal District and Sessions Judge, Thanjavur District, in Cr.M.P.No.2814 of 2020 and the learned Judge dismissed that petition. Against the order of dismissal, the petitioner has come forward with this Criminal Revision Case.

4. On the side of the petitioner, it is stated that the petitioner is the owner of the vehicle and the vehicle was seized in the year 2019 and is kept in the open place for the past 1 ½ years. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated and prayed the vehicle to be returned to the petitioner for interim custody.

5. On the side of the prosecution, it is stated that the vehicle was used for illegal transportation of ½ unit of river sand and hence, the vehicle was seized by the police and confiscation proceedings are going on. If the vehicle is released for interim custody, there is every possibility for the vehicle to be used for commission of similar offence and prayed the petition to be dismissed.

6. It is seen that the petitioner is not an accused in the case. The vehicle is kept in a open place for the past 1 ½ years. There is no dispute regarding the ownership of the vehicle. The petition is only for interim custody.

7. In view of the above, this Court is inclined to allow the petition. Accordingly, this Criminal Revision Case is allowed and the order passed by the learned Principal District and Sessions Judge, Thanjavur District, in Cr.M.P.No.2814 of 2020, dated 03.09.2020, is set aside and the property/vehicle is ordered to be returned 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 before the Principal District and Sessions Judge, Thanjavur District.

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.109 of 2019 on the file of the learned Principal District and Sessions Judge, Thanjavur District, within a period of four weeks from the date of receipt of a copy of this order along with a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties for a like sum;

(iii) The petitioner shall not alienate and shall not make any alterations in the vehicle;



(iv)The petitioner shall produce the vehicle before the Court and before the respondent as and when required, by the Court and by the respondent.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Ls

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 and Sessions Judge,
Thanjavur District.
2. The Inspector of Police,
Thanjavur South Police Station,
Thanjavur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI. R.C.(MD)No.634 of 2020
01.12.2020

MR (CO)

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