



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.02.2020**

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.R.C(MD)No.727 of 2019

Meera Hussian

...Petitioner/A2

Vs.

State Rep. by its,
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime No.124 of 2019)

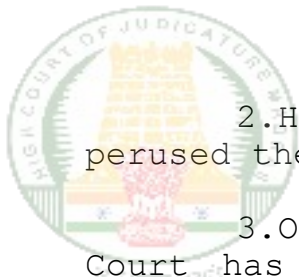
...Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order, dated 29.07.2019 made in Cr.M.P.No.3154 of 2019 passed by the Principal District & Sessions Court, Madurai, dismissing the petition filed by the petitioner under Section 451 r/w 457 of Cr.P.C. for the return of the vehicle (Tipper Lorry) bearing registration No.TN-72-AQ-5325 and set aside the same as illegal and allow the above revision petition and entrust the custody of the vehicle to the petitioner.

For Petitioner	: Mr.R.Gandhi
For Respondent	: Mr.V.Neelakandan Additional Public Prosecutor

O R D E R

The petitioner claims to be the owner of the Tipper Lorry, bearing Registration No.TN-72-AQ-5325. According to the petitioner, the alleged vehicle was seized by the respondent on 15.06.2019 in connection with a case in Crime No.124 of 2019 for the offence under Sections 379 of IPC and 21(5) of Mines and Minerals (Development & Regulation) Act, 1957. Seeking return of the said vehicle, the petitioner has filed a petition before the learned Principal Sessions Judge, Madurai, for interim custody. The learned Principal Sessions Judge, Madurai, by order dated 29.07.2019 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.



2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.On consideration of the documentary evidence, the Trial Court has dismissed the petition seeking to release the vehicle filed by the petitioner. It is well settled that during the pendency of confiscation proceedings, the vehicle needs to be returned to the person, who is entitled to have. This return will have no impact on the confiscation proceeding, as the confiscation proceeding is an independent proceeding.

4.In view of the above, this Criminal Revision is allowed and the order of the learned Principal Sessions Judge, Madurai, in Crl.M.P.No.3154 of 2019, dated 29.07.2019, is set aside and the learned Principal Sessions Judge, Madurai, is directed to return the vehicle to the petitioner subject to the confiscation proceedings on the following conditions:-

(a)The petitioner shall produce the original Registration Certificate of the vehicle;

(b)The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.124 of 2019 on the file of the learned Principal Sessions Judge, Madurai, within a period of one week from the date of receipt of a copy of this order;

(c)The petitioner shall not make any alteration of the vehicle;

(d)The petitioner shall produce the same before the Court as an when required until final order is passed in the confiscation proceedings.

5.The Authority under the Tamil Nadu Prohibition Act may proceed with the confiscation proceedings and the petitioner shall obey any order that may be passed in the said proceeding by the authority.

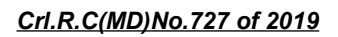
Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)



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