



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **22.01.2020**

CORAM

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

Crl.R.C(MD)No.790 of 2019

WEB COPY

A.Joseph Lawrence

...Petitioner

Vs.

1.The State Rep. by
The Sub Inspector of Police,
Kulasekharam Police Station,
Kanyakumari District at Nagercoil.

2.S.Subash

...Respondents

*(R2 impleaded as per order of this Court
dated 13.12.2019 in Crl.M.P(MD)No.10949
of 2019 in Crl.R.C(MD)No.790 of 2019)*

Prayer : This Criminal Revision has been filed under Section 397(1) r/w 401 of Criminal Procedure Code, to call for the records of the impugned order, dated 19.09.2019 passed by the learned Principal District & Sessions Judge, Kanyakumari in Crl.M.P.No.4074 of 2019 and set aside the same and return the vehicle to the petitioner by allowing this revision.

For Petitioner	: Mr.C.Jeganathan for M/s.Veera Associates
For R1	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl.side)
For R2	: Mr.C.K.M.Appaji

O R D E R

The petitioner claims to be the owner of the TATA Motors 407 Tempo, bearing Registration No.TN-12-B-0446. According to the petitioner, the alleged vehicle was seized by the respondent on 25.07.2019 in connection with a case in Crime No.178 of 2019 for the offence under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. Seeking return of the said vehicle, the petitioner filed a petition before the learned Principal Sessions Judge, Kanyakumari District, for interim custody. The learned Judge, by order dated 19.09.2019 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.Mr.C.K.M.Appaji, learned counsel for R2 submitted that already he handed over the vehicle to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The only ground upon which the lower Court has dismissed the petition is that the name of the petitioner not found in the R.C Book. 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.

5.In view of the above, this Criminal Revision is allowed and the order of the learned Principal Sessions Judge, Kanyakumari District, in Crl.M.P.No.4074 of 2019, dated 19.09.2019, is set aside and the learned Principal Sessions Judge, Kanyakumari District, 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.25,000/- (Rupees Twenty five thousand only) to the credit of Crime No.178 of 2019 on the file of the learned Principal Sessions Judge, Kanyakumari District, 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 on the first working day of every month until final order is passed in the confiscation proceedings.

6.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 (co)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

To

1.The Principal District and Sessions Judge,
Kanyakumari District.



2.The Sub Inspector of Police,
Kulasekharam Police Station,
Kanyakumari District at Nagercoil.

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

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-2436[F]
dated 22/01/2020)

Crl.R.C(MD)No.790 of 2019

SMA/31/01/2020/3P/5C