

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2021

CORAM:

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.R.C.No.264 of 2021

S.Suresh

... Petitioner

Vs.

The Inspector of Police,
Poraiyur Police Station,
Nagapattinam.

.... Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to set aside the order dated 12.03.2021 passed in Crl.M.P.No.810 of 2021 by the learned District and Sessions Judge, Nagapattinam in Crime No.815 of 2020 on the file of Inspector of Police, Poraiyur Police Station, Nagapattinam.

For Petitioner : Mr.P.Udhayashankar
For Respondent : Ms.Saradha Devi
Government Advocate (Crl.Side)

O R D E R

Heard the learned counsel on either side.

2.The petitioner's vehicle was involved in Crime No.815 of 2020 registered on the file of the respondent police. It was seized on the ground that it was used for illegal transportation of the minerals. The petitioner applied before the Court below for return of vehicle. The same was dismissed by the impugned order dated 12.03.2021. Questioning the same, the Revision Case came to be filed.

3. I wanted to know whether the petitioner has any previous case. I also wanted to know, if the vehicle also involved in the case of similar nature. The petitioner's counsel categorically asserts that neither the petitioner has any previous case nor the vehicle is involved in the case of similar nature. The respondent is not in a position to place any contra materials. The Apex Court has repeatedly held that vehicles should not be detained in the station custody unnecessarily as it would result in loss of value.

4.In view of the above, the order impugned dated 12.03.2021 is set aside and revision case is allowed. The

respondent is directed to return the vehicle to the petitioner herein. Of course that would be without prejudice to the power of the authorities to initiate confiscation proceedings.

lpp/rm

s/d-
Vacation Officer
/Assistant Registrar

True Copy

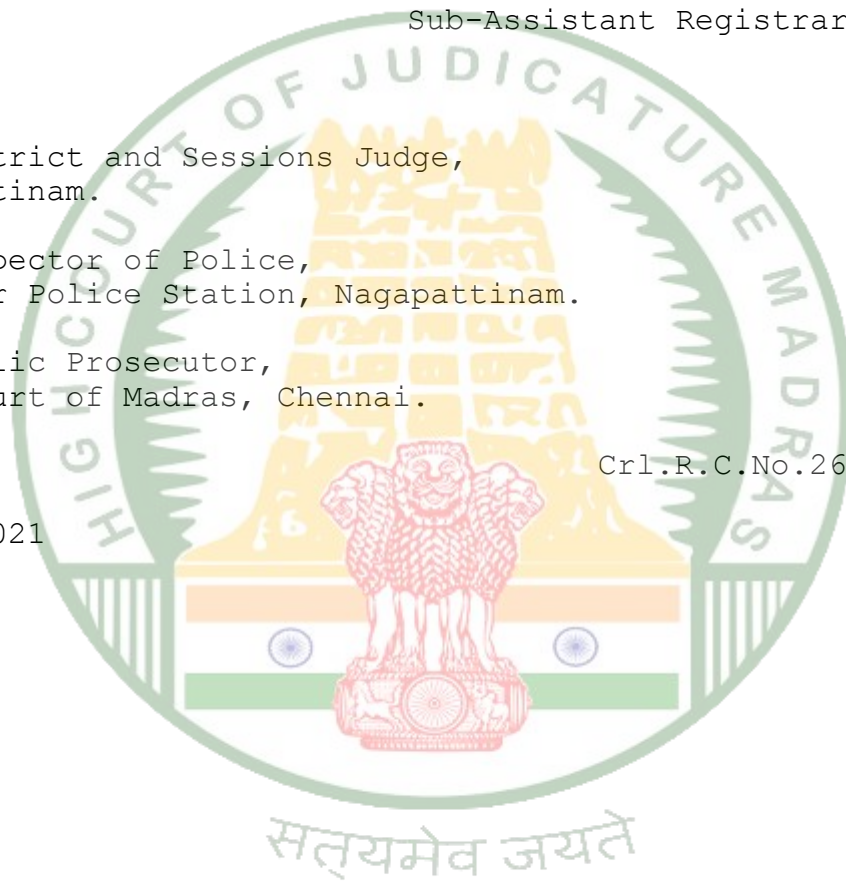
Sub-Assistant Registrar

To:

- 1.The District and Sessions Judge,
Nagapattinam.
- 2.The Inspector of Police,
Poraiyur Police Station, Nagapattinam.
- 3.The Public Prosecutor,
High Court of Madras, Chennai.

AJS (CO)
EU 11.5.2021

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