

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.265 of 2021

K.Rajesh Prabhu

S/o.Kandasamy

(As per FIR wrongly mentioned Rajesh Babu)

... Petitioner/Accused No.4

Vs.

State rep.

The Inspector of Police,

Nagoor Police Station,

Nagapattinam District.

(Crime No.1538 of 2020)

... Respondent/Complainant

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to set aside the order dated 01.04.2021 passed in Crl.M.P.No.1020 of 2021 in Crime No.1538 of 2020 on the file of the District and Sessions Judge, Nagapattinam and direct the Respondent police to return the Ashok Leyland Captain Taurus Tipper lorry bearing Registration No.TN 85 K 9196 to the petitioner.

For Petitioner : Mr.S.Vinoth Kumar

For Respondent : Ms.V.Saradha Devi  
Government Advocate (Crl.Side)

ORDER

Heard the learned counsel on either side.

2. The petitioner's vehicle was involved in Crime No.1538 of 2020 registered on the file of the respondent police. It was seized on the ground that it was used for illegal transportation of minerals. The petitioner applied before the Court below for return of the vehicle. The same was dismissed by the impugned order dated 01.04.2021. 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 station custody unnecessarily

as it would result in loss of value.

4. In view of the above, the order impugned dated 01.04.2021 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.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

lpp/rm  
To

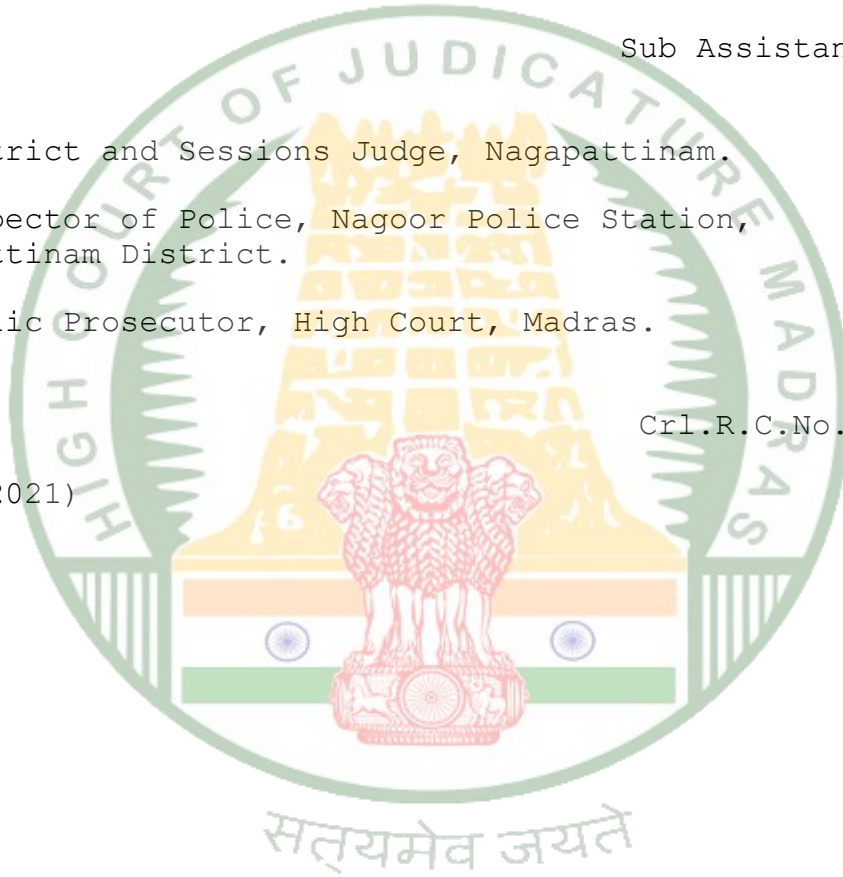
1.The District and Sessions Judge, Nagapattinam.

2.The Inspector of Police, Nagoor Police Station,  
Nagapattinam District.

3.The Public Prosecutor, High Court, Madras.

Cr1.R.C.No.265 of 2021

EV(CO)  
NS(13/05/2021)



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