

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.266 of 2021

Amsavalli

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Voimedu Police Station,
Voimedu, Vedaranyam Taluk,
Nagapattinam District.
(Crime No.254/2020)

... Respondent

Criminal Revision filed under Sections 397 and 401 Cr.P.C., praying to call for the records relating to the proceedings in Cr.M.P.No.882 of 2021 by the District and Sessions Judge, Nagapattinam, Nagapattinam District dated 18.03.2021 in connection with the FIR in Crime No.254 of 2020 on the file of the Inspector of Police, Voimedu Police Station, Voimedu, Nagapattinam District, set aside the same and pass an order to return the property to the petitioner.

For Petitioner : Mr.R.Murugabharathi

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.254 of 2020 registered on the file of the respondent police. It was seized on the ground that it was used in illegal transportation of minerals. The petitioner applied before the Court below for return of vehicle. The same was dismissed by the impugned order dated 18.03.2021. 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 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 18.03.2021 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

lpp/rm

To

1.The District and Sessions Judge, Nagapattinam.

2.The Inspector of Police, Voimedu Police Station,
Voimedu, Vedaranyam Taluk, Nagapattinam District.

3.The Public Prosecutor, High Court of Madras, Chennai.

+1 cc to Mr.R.Murugabharathi, Advocate, SR.No.27157

Crl.R.C.No.266 of 2021

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



WEB COPY