

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.1276 of 2020

Vijayan ... Petitioner/petitioner

..vs..

State Through Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu District,
Crime No.781 of 2018. ... Respondent/respondent

Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside and modify the order dated 30.11.2020 in Crl.M.P.No.2683 of 2020 passed by the learned Principal District and Sessions Judge, Kancheepuram District at Chengalpattu.

For Petitioner : Mr.N.Mahendra Babu

For Respondent : Mr.A.Madhan
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed against the order dated 30.11.2020 passed in Crl.M.P.No.2683 of 2020, on the file of the learned Principal District and Sessions Judge, Kancheepuram District at Chengalpattu.

2. According to the petitioner, he is the owner of the vehicle bearing Registration No.TN-19-AD-0169 and the same was seized by the respondent police for the offence under Sections 430 and 379 IPC altered into Section 430 and 379 of IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957. Since the vehicle is kept in open air, sun and rain at the respondent police station, he filed a petition in Crl.M.P.No.2683 of 2020 under Section 451 r/w 457 Cr.P.C before the Principal District and Sessions Judge, Kancheepuram District at Chengalpattu seeking for return of the vehicle. The learned Judge allowed the said petition with the following conditions:

''(i) The Respondent Police is directed to produce the HONDA DIO MOTOR CYCLE bearing registration No.TN-19-AD-0169 before the Judicial Magistrate No.II, Chengalpattu within a week from today.

(ii) The petitioner is directed to deposit a sum of Rs.25,000/-before the Tahsildar, Chengalpattu and on deposit, the said amount has to be deposited by the Tahsildar, Chengalpattu to the credit of the District Mines and Minerals Foundation Trust as Non refundable deposit.

(iii) On receipt of the HONDA DIO MOTOR CYCLE bearing registration No.TN-19-AD-0169 by the Judicial Magistrate No.II, Chengalpattu and also on production of the Receipt received from the Tahsildar, Chengalpattu, the petitioner is directed to execute a bond for Rs.25,000/- with two sureties each for a like sum to the satisfaction of Judicial Magistrate No.II, Chengalpattu and on condition to produce the HONDA DIO MOTOR CYCLE bearing registration No.TN-19-AD-0169 as and whenever required without any change or alteration.

(iv) The petitioner is directed to submit the Original R.C.Book of the HONDA DIO MOTOR CYCLE bearing registration No.TN-19-AD-0169 before the Judicial Magistrate No.II, Chengalpattu.

(v) The petitioner shall not encumber or alienate the vehicle till the disposal of the case.

(vi) The petitioner is directed to produce 5 photographs/CD of the vehicle before the Judicial Magistrate No.II, Chengalpattu.

(vii) The petitioner is also directed to file an undertaking for not to commit the similar offence and will not use the vehicle for any other illegal activities in future and any violation will entail for the confiscation of vehicle.''

Challenging the said order, the petitioner filed the present Criminal Revision Case seeking modification of the deposit amount of Rs.25,000/-.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that investigation has not yet been completed and charge sheet has also not been filed and hence, the vehicle in question cannot be released at this stage.

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

5. It is seen that in the present case, investigation is pending and charge sheet has not yet been filed. The learned Principal District and Sessions Judge, Kancheepuram District at Chengalpattu, exercised his discretionary power and passed the order dated 30.11.2020 .Therefore, this Court does not find any reason to interfere with the order passed by the learned Sessions Judge. However, if, the petitioner wants the vehicle, he has to necessarily deposit the said amount of Rs.25,000/- as directed by the learned Sessions Judge. Hence, this Court is not inclined to grant the relief sought for by the petitioner in this Criminal Revision Case.

6.Accordingly, this Criminal Revision Case is dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Principal District and Sessions Judge,
Kancheepuram District at Chengalpattu.

2.The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu District,

3.The Public Prosecutor,
High Court, Madras.

Crl. R.C. No.1276 of 2020

AK(CO)
KP(12/02/2021)