



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.R.C.NO.833 OF 2021

Sankar

.. Petitioner

Vs.

State: rep. By i/s
Inspector of Police,
Mathur Police Station,
Krishnagiri District.
(Crime No.1085/2020)

.. Respondent

Prayer: Criminal Revision Case filed under Section 397(1) read with Section 401 of the Code of Criminal Procedure (Cr.P.C) to call for the records and set aside the order dated 19.07.2021 passed by the Learned Principal Sessions Judge, Krishnagiri in Crl.M.P.No.1062 of 2021 and to return the Tipper Lorry bearing registration No. TN 21 AA 1459 to the custody of the petitioner.

For petitioner : Mr.T.Panchatsaram

For respondent : Mr.S.Sugendran
Government Advocate (crl.side)

O R D E R

This Criminal Revision Petition has been filed against the dismissal of the petition filed seeking for return of property.

2. Learned counsel for the petitioner would submit that the petitioner is the owner of the Tipper Lorry bearing Registration No. TN 21 AA 1459. The vehicle was seized in connection with a case registered by the respondent in Crime No.1085 of 2020 for offences under Section 379 IPC and the vehicle is produced before the learned Magistrate in C.P.No.37 of 2021. He would further



submit that the vehicle has been parked in the open exposed to vagaries of weather and thereby the value of the vehicle is deteriorating day by day. He would submit that the petitioner had filed an application for return of property in Crl.M.P.No. 1062 of 2021 before the learned Principal Sessions Judge, Krishnagiri. However, the learned Judge had dismissed the application stating that the vehicle was involved in a previous case of similar nature. He would further submit that the petitioner is not an accused and thereby, he would seek for return of vehicle.

3.Learned Government Advocate appearing for the respondent would submit that the petitioner is the owner of the Tipper Lorry bearing Registration No.TN-21-AA-1459. He would further submit that the vehicle was earlier used for the same offence and it was seized in Cr.No.417 of 2019 and earlier, the petitioner had filed Crl.M.P.No.481 of 2020 and the learned Sessions Judge had granted return of vehicle on 23.06.2020 and the petitioner was directed to file an affidavit of undertaking before the concerned Court that he would not use the vehicle for illegal activities in future. However, the vehicle had been once again used for illegal activity. The learned Judge taking into consideration the same vehicle was repeatedly used for the same offence, had dismissed the petition. He would further submit that there is no infirmity or error in the order passed by the learned Judge.

4. Heard both sides and perused the materials available on record.

5. The vehicle bearing Registration No. TN 21 AA 1459 had earlier been used for the illegal transport of sand and a case was registered in Crime No.417/2019. The petitioner was granted interim custody of the vehicle on the undertaking that he would not use the vehicle for illegal activity. However, despite the undertaking given by the petitioner, once again the petitioner used the vehicle for similar offence. This Court finds no illegality or error in the order passed by the learned Judge. Accordingly, this Criminal Revision Case stands dismissed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vri/shk



To

1. The Learned Principal Sessions Judge,
Krishnagiri.
2. The District Munsif-cum-Judicial Magistrate,
Pochampalli.
3. The Inspector of Police,
Mathur Police Station,
Krishnagiri District.
(Crime No.1085/2020)
4. The Public Prosecutor,
High Court, Madras.
5. The Record Keeper,
Criminal Section (Records),
High Court, Madras.

+1cc to M/s.G.Punniakoti, Advocate, S.R.No.62308

Cr1.R.C.No.833 of 2021

PL(CO)
RLP(10/12/2021)