



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.02.2021
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.40 of 2021

WEB COPY

Suthanthiran

.. Petitioner/Petitioner/Accused No.1

Vs.

The State rep. through
The Inspector of Police,
V.Chathirapatti Police Station,
Madurai District,
in Crime No.19 of 2019

.. Respondent/Respondent/Complainant

Prayer : This Revision Case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records pertaining to the order dated 31.08.2020 made in Crl.M.P.No.4041 of 2020 passed by the Principal District Judge, Madurai District and to set aside the same consequently to direct the learned Principal District Judge, Madurai to release the vehicle bearing Registration No.TN 67 AZ 0176 and TN 67 X 5088 Tractor and Tractor to the petitioner.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This revision has been filed to set aside the order, dated 31.08.2020, made in Crl.M.P.No.4041 of 2020 passed by the Principal District Judge, Madurai District and consequently to direct the Principal District Judge, Madurai to release the Tractor bearing Registration No.TN-67-AZ-0176 and the trailer bearing Registration No.TN-67-X-5088, to the petitioner.

2. The petitioner claiming himself as the owner of the Tractor bearing Registration No.TN-67-AZ-0176 and the trailer bearing Registration No.TN-67-X-5088, which was said to have been involved in a sand theft case in Crime No.19 of 2019 on the file of V.Chathirapatti Police. The petitioner filed a petition for return of property in Crl.M.P.No.4041 of 2020, before the Principal District Judge, Madurai and the same was dismissed by the learned Judge. Against which, the petitioner filed revision in Crl.R.C.(MD)No.520 of 2020. That petition was dismissed by this Court, on 28.09.2020, with liberty to the petitioner to file a fresh petition after the vehicle was transferred to the name of the petitioner. Now, the petitioner preferred this Revision for return of the vehicle.



3. On the side of the petitioner, it is stated that the petitioner used the vehicle / Tractor and Trailer for transporting agricultural products and the building materials. The petitioner has not involved in any illegal transportation of sand. There is no previous antecedents in this regard. The vehicle was purchased by the petitioner from the original owner and the same was hypothecated in a private finance company. All the relevant records were in the hands of the private financial company. The petitioner has produced the certificate for depositing the R.C.Book with the finance company. The petitioner approached this Court for return of the vehicle in Crl.R.C.(MD)No.520 of 2020. That petition was dismissed by this Court with liberty to the petitioner to file a fresh petition on production of R.C. Book in his name. Now, the petitioner obtained R.C. Book in his name and filed this revision for return of the vehicle. If the vehicle is kept open, the value of the vehicle will be deteriorated due to rain and sun and prayed the vehicle to be returned to the petitioner.

4. On the side of the prosecution, it is stated that as per the decision of this Court, reported in CDJ 2018 MHC 7179 [Muthu Vs. District Collector and others], and as per the order of the Hon'ble Supreme Court reported in C.D.J 2003 S.C. 061 : 2002 (10) SCC 283 [Sundarbhai Ambalal Desai Vs. State of Gujarat], the vehicle should not be returned to the petitioner. If the vehicle is returned to the petitioner, there is every possibility for the vehicle being used for commission of the same offence again and prayed the petition to be dismissed.

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

6. It is seen that the petitioner is the owner of the vehicle. A perusal of the R.C.Book reveals that the vehicle belong to the petitioner. By keeping the vehicle in the open place, the value of the vehicle will be deteriorated day by day. Hence, this Court is inclined to release the vehicle for interim custody to the petitioner subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

(i)The petitioner shall deposit the original Registration Certificate of the vehicle before the Principal District Judge, Madurai District;

(ii)The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.19 of 2019 on the file of the Principal District Judge, Madurai District along with bond of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties, for a like sum within a period of two weeks from the date of receipt of a

<https://hcservices.ecourts.gov.in/hcservices> this order.



(iii)The petitioner shall not make any alienation and alteration in the vehicle;

(iv)The petitioner shall produce the vehicle before the Court and before the respondent as and when required, until final order is passed in the confiscation proceedings.

This Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal District Judge,
Madurai District.
2. The Inspector of Police,
V.Chathirapatti Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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NA (CO)

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