



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 15.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.55 of 2021

Murugan

.. Petitioner/Petitioner/3rd party

Vs.

The State of Tamil Nadu,
Through Inspector of Police,
Vadasery,
Rep. By Public Prosecutor,
Nagercoil.

.. Respondent/Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to set aside the order passed by the Principal Sessions Court, Kanyakumari at Nagercoil dated 07.10.2020 in Crl.M.P.No.4000 of 2020, R.P.No.101 of 2020 in Crime No.451 of 2020 on the file of the learned Judicial Magistrate No.II, Nagercoil

For Petitioner	: Mr.K.Rajeshwaran
For Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.4000 of 2020 dated 07.10.2020, on the file of the learned Principal District and Sessions Court, Kanyakumari at Nagercoil.

2.An unregistered trailer was seized by the respondent and was produced before the Court. Subsequently, the petitioner claiming himself as the owner of the property, has approached the learned Principal Sessions Judge, Kanyakumari, by filing a petition for the release of the trailer and the learned Judge dismissed the petition in Crl.M.P.No.4000 of 2020 dated 07.10.2020. Against which, the petitioner has preferred this Criminal Revision Case.

3.On the side of the petitioner, it is stated that the tractor belongs to the brother of the petitioner and the trailer that belongs to the petitioner was seized by the respondent police in Crime No.451 of 2020. Already an order was passed for the return of the trailer. Whereas the present petition was filed only for the return of the trailer. Due to the painting, there was no registration number in the trailer. But the trailer can be identified with the chasis number and prayed the trailer to be returned back to the petitioner.

4.On the side of the respondent, it is stated that the number is not available in the trailer which was seized by the respondent police. The vehicle was used for commission of a serious offence.



Sand theft is against the Society. If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for the commission of similar offence and prayed the petition to be dismissed.

5.A perusal of form 16 reveals that there was no registration number in the trailer. It was attached with a tractor having registration No.TN-32-AC-6462. It is seen that the tractor was already returned to the owner. The trial Court has dismissed the petition regarding the return of the trailer. It is seen that the vehicle was seized by the respondent on 19.06.2020 and the vehicle is kept in open, which will cause damage to the vehicle.

6.In the above circumstances, this Court directs the learned Principal Sessions Judge, Kanyakumari to verify the chasis number of the trailer. If the chasis number of the trailer tally with the chasis number stated by the petitioner, the learned Principal Session Judge is directed to return the vehicle to the petitioner on the following conditions subject to the confiscation proceedings :

(i)The petitioner shall deposit the original Registration Certificate of the trailer with the learned Judicial Magistrate No.II, Nagercoil ;

(ii)The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.451 of 2020 on the file of the learned Judicial Magistrate No.II, Nagercoil within a period of two weeks from the date of receipt of a copy of this order ;

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

(iv)The petitioner shall produce the vehicle before the Court and before the respondent as and when required and this order is subject to the final order to be passed in the confiscation proceedings ;

(v)If any of the aforesaid conditions are violated, this order automatically stands cancelled.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Sessions Judge, Kanyakumari at Nagercoil.

2. The Judicial Magistrate No.II, Nagercoil.

3. The Inspector of Police,
Vadasery,
Rep. By Public Prosecutor,
Nagercoil.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Section Officer, (2C)
Criminal Section (Records)
Madurai Bench of Madras High Court,
Madurai

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-12034[F] dated
17/03/2021)

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SGS (CO)
KB (24.03.2021) 3P 8C