



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.78 of 2021

T.P.N.Moorthy

.. /Petitioner/Petitioner

Vs.

State through
The Inspector of Police
Dhalavaipuram Police Station,
(Crime No.262 of 2020)

.. Respondent/Respondent

Prayer : This Revision Case filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records relating to the order passed by the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Crl.M.P.No.1851 of 2020, dated 16.12.2020 and to set aside the same and to allow this Criminal Revision.

For Petitioner : Mr.R.Ragavendran

For Respondents : Mr.Bharathi Kannan
Government Advocate

ORDER

This revision has been filed to set aside order in Crl.M.P.No.1851 of 2020, dated 16.12.2020 passed by the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and to allow the Criminal Revision.

2.A vehicle viz., Tractor bearing Registration No.TN-84-B-7625 and Trailer bearing Registration No.TN-47-F-3978 were seized by the respondent police in Crime No.262 of 2020. The petitioner, claiming himself as the owner of the vehicle, filed a petition before the Principal Sessions Judge, Ramanathapuram, for return of the vehicle in Crl.M.P.No.1851 of 2020. That petition was dismissed by the Sessions Judge. Against that order, the petitioner preferred this Criminal Revision.

3.On the side of the petitioner, it is stated that the petitioner used the vehicle only for Agricultural purposes. The petitioner was not aware of the occurrence. Already the vehicle was involved in another offence in Crime No.411 of 2018 on the file of Karivalamvanthanallur Police Station and the original Registration



Certificate was detained by the Judicial Magistrate, Sankarankovil. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated, due to the climatic conditions and prayed the vehicle to be returned to the petitioner for safe custody.

4. On the side of the respondent, it is stated that the vehicle was used for commission of sand theft. Already the vehicle was involved in another offence in Crime No.411 of 2018 on the file of Karivalamvanthanallur Police Station and the original Registration Certificate is detained by the Sankarankovil Judicial Magistrate. There are four previous cases pending against the petitioner. Out of the four cases, three were of similar offence. If the vehicles are returned to the petitioner, there is every possibility of the vehicles being used for commission of similar offence and prayed the petition to be dismissed.

5. It is seen that the petitioner involved in four previous case. Out of which, three were sand theft cases. It is seen that the vehicle was already seized by the Karivalamvanthanallur police in Crime No.411 of 2018 and the original R.C. of the Tractor and Trailer were in the custody of the Judicial Magistrate, Sankarankovil. It is seen that the vehicle was seized by the police in this case on 31.08.2020 and is kept in the open place. The petitioner is an accused in this case and the vehicle is in the custody of the police for the past six months. Keeping the vehicle idle for six months, will make the vehicle useless. Hence, this Court is inclined to allow the petition with certain conditions.

6. Accordingly, this Criminal Revision Case is allowed and the order in Crl.M.P.No.1851 of 2020, dated 16.12.2020 passed by the Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, is hereby set aside and the vehicle / Tractor and Trailer is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

(i) The Judicial Magistrate, Sankarankovil is directed not to return the Registration Certificate till the disposal of the case in Crime No.262 of 2020 on the file of Dhalavaipuram Police Station.

(ii) The original Registration Certificate detained by the Judicial Magistrate, Sankarankovil (in Crime No.411 of 2018), has to be treated as a deposit of original Registration Certificate in this case (Crime No.262 of 2020) also.

(iii) The Judicial Magistrate, Rajapalayam, is directed not to pass any order regarding the return of the vehicle until the disposal of the case in Crime No.411 of 2018.



(iv) The petitioner is directed to execute an undertaking affidavit not to use the vehicle for any illegal purpose in future.

(v) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.262 of 2020, within a period of four weeks from the date of receipt of a copy of this order along with a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties for a like sum;

(vi) The petitioner shall not alienate and shall not make any alterations in the vehicle;

(vii) The petitioner shall produce the vehicle before the Court and before the respondent as and when required, by the Court and by the respondent.

7. If the vehicle is used for any illegal purpose, the order of return of property, automatically, shall stand cancelled. With the above directions, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar(CS-III)

// 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 and Sessions Judge,
Virudhunagar District at Srivilliputhur
- 2.The Inspector of Police
Dhalavaipuram Police Station,
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



1.The Judicial Magistrate,
Rajapalayam.

2.The Judicial Magistrate,
Sankarankovil.

3. The Chief Judicial Magistrate,
Srivilliputhur at Virudhunagar.

+1 CC to M/s.R.RAGAVENDRAN, Advocate (SR-9120[F] dated
05/03/2021)

Crl. R.C.(MD)No.78 of 2021
05.03.2021

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ns (CO)
TR(10.03.2021) 4P 8C