



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 01.02.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.39 of 2021

Kodiraman

.. Petitioner/Petitioner

Vs.

The State rep. by
The Sub-Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
(Crime No.886/2020)

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Section 397 of Cr.P.C., to call for the records pertaining to the order, dated 20.10.2020, made in Crl.M.P.No.3999 of 2020 on the file of the Judicial Magistrate No.II, Virudhunagar and to set aside the same.

For Petitioner : Mr.K.Seemaraj

For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This Criminal Revision Case has been filed to call for the records pertaining to the order, dated 20.10.2020, made in Crl.M.P.No.3999 of 2020 on the file of the Judicial Magistrate No.II, Virudhunagar and to set aside the same.

2.A vehicle / bullock cart was seized by the respondent police in Crime No.886 of 2020 under Section 379 I.P.C. for theft of sand. The petitioner, claiming himself as the owner of the vehicle, filed a petition in Crl.M.P.No.3999 of 2020, before the Judicial Magistrate No.II, Virudhunagar and the learned Magistrate has dismissed the petition on 20.10.2020. Against the impugned order, the petitioner preferred this Revision.

3.On the side of the revision petitioner, it is stated that the vehicle was seized by the police on 30.08.2020 and the vehicle is kept in the open place, exposing vehicle's wooden structure to the climatic conditions, which will deduct its value and hence, the revision petition to be allowed.



4. On the side of the respondent, it is stated that the petitioner is an accused in the case and the bullock cart was used for sand theft, which is an offence affecting the public. If the vehicle is returned to the petitioner, there is every possibility for him to involve the bullock cart for similar illegal activities and prayed the petition to be dismissed.

5. It is seen that the vehicle / bullock cart was made of wood. Leaving the wooden cart exposed to the climatic condition, will make the cart useless. Hence, this Court is inclined to return the vehicle / bullock cart to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:

(i) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.886 of 2020 on the file of the Judicial Magistrate No.II, Virudhunagar, within a period of two weeks from the date of receipt of a copy of this order;

(iii) The petitioner is directed to execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Virudhunagar.

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

(v) 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.

6. This Criminal Revision Case is allowed accordingly.

Sd/-

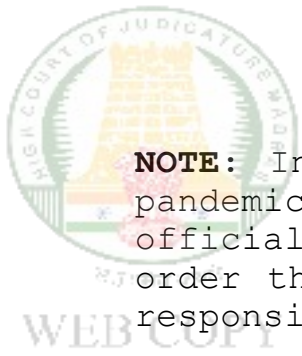
Assistant Registrar(RTI)

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/ /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 Judicial Magistrate No.II,
Virudhunagar,
- 2.The Sub-Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.39 of 2021
01.02.2021

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MJ(CO)
TR(05.02.2021) 3P 4C