



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.02.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.44 of 2021

Poopathi Raja .. Petitioner/Petitioner
Vs.

1.The State Rep. by
The Forest Ranger,
Thiruppatur Forest Range Office,
Thiruppatur, Sivagangai District...1st Respondent/Respondent

2.Ramesh

3.Chinnathambi@ Siva

4.Changili @ Shanthosh .. Respondents 2 to 4/Accused

Prayer : This criminal revision case is filed under Section 397 and Section 401 of Cr.P.C., to call for the records relating to the order passed in M.P.No.147 of 2020 by the learned District Munsif-cum-Judicial Magistrate, Thiruppathur, dated 31.01.2020 and set aside the same and consequently direct the Forest Ranger, Thiruppatur Forest Range, Sivagangai District to release the Maruthi EECO 5 STR AC Car bearing Registration No.TN-47-AZ-4491 seized by the Forest Ranger, Thiruppatur Forest Range, Sivagangai District and to return the above said vehicle to the petitioner forthwith, which is kept under custody of Nerkuppai Police Station.

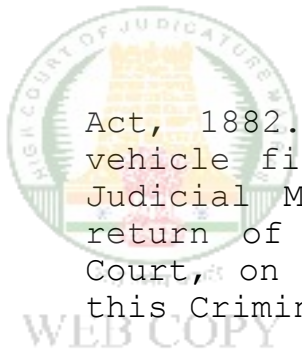
For Petitioner : Mr.S.Sekar

For R1 : Mrs.S.Bharathi
Government Advocate (Crl. side)

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the learned District Munsif-cum-Judicial Magistrate, Thiruppathur, in M.P.No.147 of 2020, dated 31.01.2020 and consequently to direct the Forest Ranger, Thiruppatur Forest Range, Sivagangai District to release the petitioner's vehicle/ Maruthi EECO 5 STR AC Car bearing Registration No.TN-47-AZ-4491.

2.The vehicle/Maruthi EECO 5 STR AC Car bearing Registration No.TN-47-AZ-4491, was seized by the first respondent in STOR No.2 of 2019 under Sections 35(b), 36 and 36(a) of the Tamil Nadu Forest



Act, 1882. The petitioner claiming himself as the owner of the vehicle filed a petition before the learned District Munsif-cum-Judicial Magistrate, Thiruppathur, in M.P.No.147 of 2020 for the return of the vehicle. That petition was dismissed by the trial Court, on 31.01.2020. Against the same, the petitioner preferred this Criminal Revision.

3. On the side of the petitioner, it is stated that the petitioner is not an accused in this case. The respondents 2 to 4 are the accused in this case. The vehicle was seized by the first respondent for transporting five pieces of Sandal Woods, which is less than Rs.10,000/- valid. The vehicle was seized by the first respondent on 25.11.2019 and is kept in the open place for the past two years. If the vehicle is kept in the open place, the value of the vehicle will be due to climatic conditions and prayed the vehicle to be returned to the petitioner.

4. On the side of the respondent, it is stated that the vehicle was used for commission of offence under the Forest Act is liable to be confiscated. The petitioner is relative of A2 in the case. If the vehicle is handed over to the petitioner, there is every possibility of the vehicle to be used for commission of similar offences and hence, prayed the petition to be dismissed.

5. It is seen that the petitioner is not an accused in the case. The petitioner is the owner of the vehicle. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated.

6. Accordingly, this Criminal Revision Case is allowed and the order passed by the District Munsif-cum-Judicial Magistrate, Thiruppathur, in M.P.No.147 of 2020, dated 31.01.2020, is set aside and the vehicle / Maruthi EECO 5 STR AC Car 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 petitioner shall deposit the original Registration Certificate of the vehicle before the District Munsif-cum-Judicial Magistrate, Thiruppathur;

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of STOR No.2 of 2019 on the file of the District Munsif-cum-Judicial Magistrate, Thiruppathur, within a period of one month from the date of receipt of a copy of this order along with a bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) with two sureties for a like sum;



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

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

WEB COPY

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 District Munsif-cum-Judicial Magistrate, Thiruppathur
2. The Forest Ranger,
Thirupattur Forest Range Office,
Thirupattur, Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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VB (08.03.2021) 3P 4C