



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 10.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.153 of 2021

Anand

.. Petitioner/Petitioner

Vs.

The State rep. By the
The Inspector of Police,
Lalapet Police Station,
Karur.

(Crime No.300 of 2019)

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records relating to the order passed in Crl.M.P.No.1795 of 2020 dated 01.02.2021 on the file of the Principal Sessions Court, Karur and to set aside the same and to grant interim custody of the vehicle to the petitioner.

For Petitioner : Mr.V.Vishnu

For Respondent : Mr.K.R.Bharathi Kannan

Government Advocate (Crl. Side)

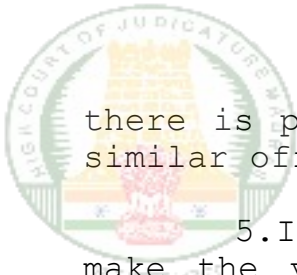
ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.1795 of 2020 dated 01.02.2021, on the file of the learned Principal Sessions Judge, Karur.

2.The petitioner claims to be the owner of Tata LPT(Eicher Truck) bearing registration No.TN-45-BQ-6881, which was seized by the respondent Police in Crime No.300 of 2019 for the offences under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act. The petitioner has filed a petition in Cr.M.P.No.1795 of 2020 before the learned Principal Sessions Judge, Karur for return of the vehicle. The trial Court dismissed the petition. Against which, the petitioner has preferred the present revision case.

3.On the side of the petitioner, it is stated that the vehicles were seized by the respondent on 26.12.2019. Keeping the vehicles in the open space and exposing them to climatic condition will deteriorate the value of the vehicle. The confiscation proceedings is not a valid ground for dismissing the petition 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 by the respondent for illegal transportation of three units of river sand. The confiscation proceedings are yet to be initiated. If the vehicles are returned to the petitioner again,



there is possibility for the vehicles being used for commission of similar offence and prays the petition to be dismissed.

5.It is seen that keeping the vehicle in the open space will make the vehicle useless. Admittedly the confiscation proceedings are yet to be initiated.

6.In view of the same, this Criminal Revision Case is allowed. The learned Judge is directed to return the vehicle to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:

(i)The petitioner shall deposit the original Registration Certificate of the vehicle with the learned Principal Sessions Judge, Karur ;

(ii)The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.300 of 2019 on the file of the learned Principal Sessions Judge, Karur 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.5,00,000/- (Rupees Five Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Karur ;

(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 ;

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

Sd/-

Assistant Registrar (CSIII)

// 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, Karur.

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



2.The Inspector of Police,
Lalapet Police Station,
Karur.

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

Crl. R.C. (MD) No.153 of 2021
10.03.2021

MJ(CO)
KB(16.03.2021) 3P 4C