



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.106 of 2021

G.Sakthivel

.. Petitioner /Petitioner
Owner of the Vehicle

Vs.

The State represented by
The Sub-Inspector of Police
Orathanadu Police Station,
Thanjavur District,
(Crime No.90 of 2020).

.. Respondent/ Respondent/Complainant

Prayer : This Revision Case filed under Section 397 r/w. Section 401 of Criminal Procedure Code, to call for the entire records pertaining to the order passed by the Principal Sessions Judge, Thanjavur, in Crl.M.P.No.2512 of 2020 vide his order dated 03.11.2020 and to quash the same in respect of the second condition and consequently, to direct the District Munsif cum Judicial Magistrate, Orathanadu, Thanjavur District, to return the vehicle, namely, Mahindra & Mahindra Tractor bearing its Registration No.TN-49-BF-2088 and Engine No.ZIXG04218 along with unnumbered Tipper name in its side body as N.R.Sami in connection with the case in Crime No.90 of 2020 pending on the respondent to the petitioner.

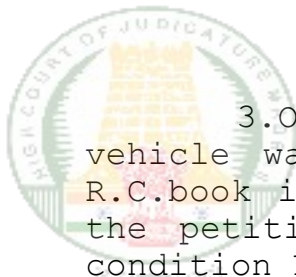
For Petitioner : Mr.M.Pitchai Muthu

For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This revision has been filed to to modify the condition No. (i) of the order of the Principal Sessions Judge, Thanjavur, in Crl.M.P.No.2512 of 2020, dated 03.11.2020 and to allow the Criminal Revision Petition.

2.A vehicle viz., Tractor bearing Registration No.TN-49-BF-2088 along with unnumbered Tipper was seized by the respondent police in Crime No.90 of 2020. The petitioner, claiming himself as the owner of the vehicle, filed a petition before the Principal Sessions Judge, Thanjavur, for return of the vehicle in Crl.M.P.No.2512 of 2020. That petition was allowed by the Sessions Judge on certain conditions. The petitioner filed this Revision for cancellation of the condition No.(ii).



3.On the side of the petitioner, it is stated that the vehicle was purchased through financial company and the original R.C.book is in the custody of the Financial Company and therefore, the petitioner could not submit the R.C. book and prayed the condition No.(ii) to be relaxed.

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4.On the side of the respondent, it is stated that the petitioner is an accused in the case and the Tractor was used for sand theft, which is an offence against the Society. The original R.C. book is necessary for ensuring the production of the vehicle at the time of trial and at the time of confiscation and the condition is reasonable and there is no reason sufficient enough to entertain the petition and prayed the petition to be dismissed.

5.It is seen that the vehicle was used for commission of sand theft. The petitioner is the accused in the case and production of the Original R.C. book is a reasonable condition. There is no merit in this petition. Hence, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ls

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, Thanjavur.

2. The District Munsif cum Judicial Magistrate,
Orathanadu, Thanjavur District.

3.The Sub-Inspector of Police
Orathanadu Police Station, Thanjavur District.

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

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VB (26.02.2021) 2P 5C