



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.113 of 2021

Soman @ Somasundaram

... Petitioner/
Petitioner cum Owner of the property

Vs.

The Sub-Inspector of Police,
Vangal Police Station,
Karur District.
(Crime No.397 of 2020)

... Respondent/
Respondent cum Complainant

Prayer : This criminal revision case is filed under Sections 397 read with 401 of Cr.P.C., to set aside the order made in Crl.M.P.No.1538 of 2020 on the file of the learned Sessions Judge, Karur dated 02.11.2020 and hand over the interim custody of the vehicle bearing Registration No.TN 22 BB 1059 belongs to the petitioner.

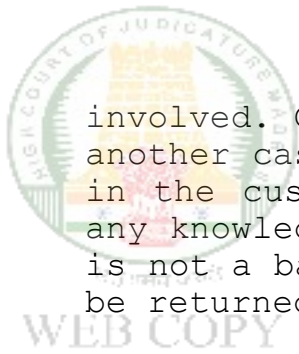
For Petitioner : Mr.S.Gokulraj
For Respondent : Mrs.S.Bharathi
Government Advocate (Criminal Side)

ORDER

This petition has been filed to set aside the order made in Crl.M.P.No.1538 of 2020 on the file of the learned Sessions Judge, Karur dated 02.11.2020 and hand over the interim custody of the vehicle bearing Registration No.TN 22 BB 1059 belongs to the petitioner.

2.The tipper lorry bearing Registration No.TN 22 BB 1059 was seized by the respondent police in connection with Crime No.397 of 2020. The petitioner claimed himself as the owner of the vehicle filed a petition in Cr.M.P.No.1538 of 2020. The learned Sessions Judge, Karur, dismissed the said petition on 02.11.2020. Against the same, the petitioner has preferred this revision.

3.On the side of the petitioner, it is stated that the petition filed by the petitioner was dismissed only on the ground that there were previous cases, wherein the same vehicle was



involved. Out of the four previous cases, one case was closed and in another case, the RC book of the vehicle was surrendered and is kept in the custody of the Court and that the petitioner is not having any knowledge about the two other cases. Pendency of previous cases is not a bar for the return of the vehicle and prayed the vehicle to be returned to the petitioner.

4. On the side of the respondent, it is stated that there are four previous cases, wherein the petitioner or the vehicle was involved. If the vehicle is released to the petitioner for interim custody, there is every possibility for the vehicle being used for commission of similar offence again and prayed the petition to be dismissed.

5. It is seen that there are four previous cases, wherein either the petitioner or the vehicle was involved. Out of which, one case ended in conviction. It is seen that original RC of the vehicle was surrendered before the trial Court in Crime No.236 of 2019. The same vehicle was now seized for the third time by the police for commission of a similar offence. It is seen that the petitioner has violated the condition imposed for the return of the vehicle in Crime No.236 of 2019. Even though the vehicle was used for commission of similar offences again and again, there is no use in keeping the vehicle idle, thereby making the vehicle useless. In the above circumstances, this Court is inclined to return the vehicle to the petitioner for interim safe custody on the following conditions subject to confiscation proceedings :

(i) The surrender of RC in Crime No.236 of 2019, Vankal police station is to be treated as surrender of RC in this case also (in Crime No.397 of 2020) and the trial Court is hereby directed not to pass any order regarding the vehicle in Crime No.236 of 2019.

(ii) the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.397 of 2020 on the file of the learned Sessions Judge, Karur, 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;

(iii) The petitioner is hereby directed to file an undertaking affidavit not to involve the vehicle in commission of any offence including similar offence in future.

(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) The vehicle was used for an offence for the third time. Hence, this order for the return of vehicle automatically stand cancelled, if the petitioner involves in any other offence in future, or if the vehicle is used for the commission of an offence in future.

6. With the above direction, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RMK

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 Sessions Judge, Karur.

2. The Sub-Inspector of Police,
Vangal Police Station, Karur District.

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

Copy to:

The Section Officer,
Criminal Section (Records),
Madurai bench of Madras High Court, Madurai.

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-8470[F] dated 03/03/2021)

Order made in

Crl. R.C. (MD) No.113 of 2021

02.03.2021

NS (CO)

SPS (11/03/2021) 3P : 7C
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