



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.03.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.117 of 2021

Shanmugam

.. Petitioner

Vs.

State rep., by
The Inspector of Police,
Mayanur Police Station,
Karur District.
In Crime No.616 of 2020

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 read with 401 of Cr.P.C., to call for the records relating to the order passed in Crl.M.P.No.01 of 2021 in R.P.No.96 of 2020 dated 08.02.2021 on the file of the learned Sessions Judge, Karur set aside the same and consequentially direct the District Munsif cum Judicial Magistrate Court, Krishnarayapuram, Karur District to return the vehicle bearing Registration No.TN-20-AJ-7225 to the petitioner herein.

For Petitioner	: Mr.M.Suresh
For Respondent	: Mrs.S.Bharathi
	Government Advocate (Crl. Side)

ORDER

The vehicle/tipper lorry bearing registration No.TN-20-AJ-7225 was seized by the respondent police in Crime No.616 of 2020. The petitioner claiming himself as the owner of the vehicle filed a petition in Crl.M.P.No.01 of 2021 before the learned Sessions Court, Karur. The said petition was dismissed by the trial Court. Aggrieved over the same, the petitioner has preferred this revision case.

2.On the side of the petitioner it is stated that the petition was dismissed by the trial Court only on the ground that the confiscation proceedings are initiated. Sofar, the petitioner has not received any notice for confiscation. The initiation of confiscation proceedings is not a bar for return of the vehicle for safe custody. He has also stated that the Vehicle was kept in a open place from 07.04.2020, which will deteriate the value of the vehicle and prayed the vehicle to be returned to the petitioner.



3. On the side of the respondent it is stated that the vehicle was seized by the police, for transporting two units of Odai sand. If the vehicle is released, there is a possibility for the vehicle being used for the commission of similar offences again and prayed the petition to be dismissed.

4. It is seen that the vehicle was seized by the respondent police on 07.04.2020 and is kept in the open place. Keeping the vehicle idle will make the vehicle useless. In the above circumstances, this Court is inclined to return the vehicle to the petitioner for interim safe custody subject to the result of the confiscation proceedings, on the following conditions:

(i) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Sessions Judge, Karur:

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.616 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 shall not alienate and shall not make any alteration in the vehicle;

(iv) 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.

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

Sd/-

Assistant Registrar (CS-I)

// 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.

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



To

- 1.The Sessions Judge, Karur.
- 2.The District Munsif cum Judicial Magistrate,
Krishnarayapuram, Karur District.
- 3.The Inspector of Police,
Mayanur Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai (2 copies)

Crl. R.C. (MD) No.117 of 2021
02.03.2021

VB (11.03.2021) 3P 7C