



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 18.02.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.120 of 2021

Sirumbayee

.. Petitioner

Vs.

State through,
The Inspector of Police,
Mayanur Police Station,
Karur District.
(Crime No.577/2020)

.. Respondent/Complainant

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to set aside the order passed by the Sessions Judge, Karur, in Crl.M.P.No.33 of 2021, dated 08.02.2021 by allowing the Revision.

For Petitioner : Mr.G.Sridharan

For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the Sessions Judge, Karur, in Crl.M.P.No.33 of 2021, dated 08.02.2021.

2.The vehicle / Tractor bearing Registration No.TN-47-AS-0470 was seized by the respondent police in Crime No.577 of 2020. The petitioner claiming himself as the owner of the vehicle filed a petition in Cr.M.P.No.33 of 2021 before the Sessions Judge, Karur, for return of the vehicle. That petition was dismissed by the trial Court, on 08.02.2021. Against the same, the petitioner preferred this Criminal Revision.

3. On the side of the petitioner, it is stated that the vehicle was used only for Agricultural purpose and the petitioner is not an accused in the case. The vehicle is kept in the custody of the respondent for the past three months and that the value of the vehicle is deteriorating due to climatic conditions. The petitioner is in need of the vehicle for her livelihood, due to harvesting season, the Tractor is necessary for agricultural purpose 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 sand theft and the respondent is taking proceedings for confiscation. If the vehicle is released by way of interim custody, there is a possibility of the vehicle being used for commission of the same offence again and hence, prayed the petition to be dismissed.



5. The initiation of the confiscation proceedings alone cannot be considered as sufficient for dismissing the petition for return 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 Sessions Judge, Karur, in Crl.M.P.No.33 of 2021, dated 08.02.2021, is set aside and the vehicle / Tractor 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 Sessions Judge, Karur;

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.577 of 2020 on the file of the Sessions Judge, Karur, 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.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 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.

Sd/-

Assistant Registrar (CSIII)

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/ /2021

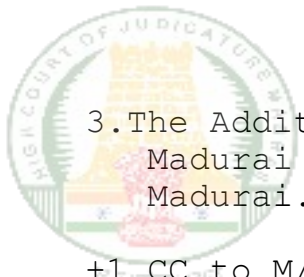
Sub Assistant Registrar(CS)

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 Sessions Judge,
Karur.

2.The Inspector of Police,
Mayanur Police Station,
Karur District.



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

+1 CC to M/s.G.SRIDHARAN, Advocate (SR-5958[F] dated 18/02/2021)

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