



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 08.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD) No.175 of 2021

WEB COPY

Subramani

.. Petitioner

Vs.

The State

By The Sub Inspector of Police,
Palaviduthi Police Station,
Karur District.

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to set aside the order passed in Crl.M.P.No.180 of 2021 by the learned Principal Sessions Judge, Karur dated 15.02.2021 and order interim custody of the Tractor and its Trailor bearing Registration No.TN-47-Z-2153 with the petitioner as sought for, which was seized by the respondent on 19.01.2021.

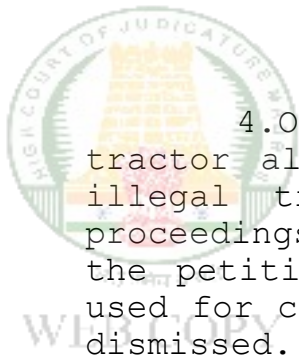
For Petitioner	: Mr.D.Venkatesh
For Respondent	: Mr.K.R.Bharathi Kannan Government Advocate (Crl. Side)

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.180 of 2021 dated 15.02.2021, on the file of the learned Principal Sessions Judge, Karur.

2.The petitioner claims to be the owner of the tractor and its trailer bearing registration No.TN-47-Z-2153, which was seized by the respondent Police in Crime No.29 of 2021 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.180 of 2021 before the learned 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 19.01.2021. Keeping the vehicles in the open space and exposing them to climatic condition will deteriorate the value of the vehicle. No confiscation proceedings was initiated against the vehicles so far and prayed the vehicles to be returned to the petitioner.



4. On the side of the respondent, it is stated that the tractor along with its trailer were seized by the respondent for illegal transportation of one unit of 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 the petitioner is the accused in the case. No document regarding the ownership of the trailer was filed by the petitioner. 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 only with regard to the tractor and as no documents are filed regarding the ownership of the trailer, no order is passed regarding the custody of the trailer. The learned Judge is directed to return the tractor 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 tractor with 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.29 of 2021 on the file of the learned 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.3,00,000/- (Rupees Three Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned 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(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Mrn

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,
Palaviduthi Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.175 of 2021
08.03.2021

ns (CO)

TR(11.03.2021) 3P 4C