



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.199 of 2021

Andiyappan .. Petitioner/Petitioner
Vs.

The Inspector of Police,
Palaviduthi Police Station,
Karur District.
Cr.No. 102 of 2020.

.. Respondent/Respondent

Prayer : This criminal revision case filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records pertaining to the order passed by the Sessions Court, Karur in Crl.M.P.No.1849 of 2020 dated 01.02.2021 and to set aside the same.

For Petitioner : Mr.J.Sivaram

For Respondent : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed to set aside the order, dated 01.02.2021, made in Crl.M.P.No.1849 of 2020, on the file of the Sessions Court, Karur.

2.A vehicle viz., Tractor bearing Registration No.TN-48-Q-5763 was seized by the respondent police in Crime No.102 of 2020. The petitioner, claiming himself as the owner of the vehicle, filed a petition before the Principal Sessions Judge, Karur, for return of the vehicle in Crl.M.P.No.1849 of 2020. That petition was dismissed by the Sessions Judge. Against that order, the petitioner preferred this Criminal Revision.

3.On the side of the petitioner, it is stated that the petitioner used the vehicle only for Agricultural purposes. The vehicle is in the custody of the respondent from 26.11.2019. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated, due to the climatic conditions and prayed the vehicle to be returned to the petitioner for interim safe custody.



4. On the side of the respondent, it is stated that already the vehicle was used for the commission of offence in Crime No.170 of 2019 on the file of the Sindhamani Police. The vehicle was found with one unit of river sand. If the vehicle is returned to the petitioner, there is every possibility of the vehicle being used for commission of similar offence and prayed the petition to be dismissed.

5. It is seen that there is a previous case involving in the same vehicle. But, the vehicle is in the police custody for the past 15 months. Keeping the vehicle idle for fifteen months, will make the vehicle useless. Hence, this Court is inclined to allow the petition with certain conditions.

6. Accordingly, this Criminal Revision Case is allowed and the order dated 01.02.2021, made in Crl.M.P.No.1849 of 2020, on the file of the Sessions Court, Karur, is hereby 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 concerned Department or by the Court on the following conditions:-

(i) The petitioner shall deposit the original Registration Certificate of the vehicle before the Sessions Court, Karur;

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.102 of 2020 on the file of the Sessions Court, Karur, along with bond of Rs.2,00,000/- (Rupees Two Lakhs only) with two sureties, for a like sum within a period of two weeks from the date of receipt of a copy of this order.

(iii) The petitioner shall not make any alienation and alteration in the vehicle;

(iv) The petitioner shall produce the vehicle before the Court and before the respondent as and when required, until final order is passed in the confiscation proceedings.

7. It is seen that the case was registered only under Section 379 of IPC and not under MMDR Act. In view of the above, the District Collector is directed to depute a Revenue officials not below the rank of Tahsildar to file a private complaint before the Special Court within a period of one month from the date of receipt of copy of this order. On such complaint, the respondent is directed to alter the charge within a period of one month from the date of filing of the private complaint. The concerned Special Court is directed to club both the police case and the private



complaint together and to take the case on file under the MMDR Act and to dispose the same in accordance with law.

8.The Registry is directed to send the copy of the order immediately to the Special Court and the concerned District Collector and to the concerned Sessions Court.

Sd/-

Assistant Registrar(CS-II)

// 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.

To

- 1.The Sessions Judge, Karur.
- 2.The Inspector of Police,
Palaviduthi Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

- 1.The District Collector,
Karur.
- 2.The Special Court for Mines and Minerals (D& R) Act
Karur.

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