



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATE : 26.03.2021**

**CORAM**

**THE HONOURABLE MRS. JUSTICE R. THARANI**

WEB COPY

**Crl. R.C. (MD)No.249 of 2021**

Muthusamy

.. Petitioner/Petitioner

Vs.

The State,  
rep. By Inspector of Police,  
Thalavaipuram Police Station,  
Virudhunagar District.  
(Crime No.242 of 2020)

.. Respondent/Respondent

**Prayer :** This Criminal Revision Case is filed under Sections 397 r/w. 401 of Cr.P.C., to set aside the order passed in Cr.M.P.No.13556 of 2021 by the learned Judicial Magistrate, Rajapalayam dated 06.03.2021.

For Petitioner : Mr.D.Rajaboopathy

For Respondent : Mr.S.Chandrasekar

Additional Public Prosecutor

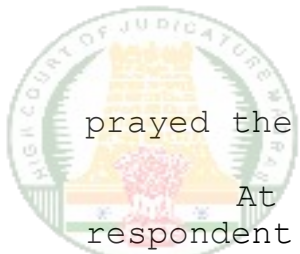
**ORDER**

This petition has been filed to set aside the order passed in Cr.M.P.No.13556 of 2021 dated 06.03.2021, on the file of the learned Judicial Magistrate, Rajapalayam.

2.The respondent seized a tractor bearing Registration No.TN-67-AZ-6359 and produced the property before the Court. Subsequently, the petitioner claiming himself as the owner of the tractor, has approached the learned Judicial Magistrate, Rajapalayam, by filing a petition for return of the tractor and the learned Judge dismissed the petition in Crl.M.P.No.13556 of 2021 dated 06.03.2021. Against which, the petitioner preferred the Criminal Revision Case.

3.On the side of the petitioner, it is stated that the petitioner has furnished the insurance copy. But the Court failed to consider the same. The vehicle is in custody of the police from 07.08.2020 and prayed the vehicle to be returned to the petitioner.

4.On the side of the respondents, it is stated that on the date of occurrence, there was no insurance for the vehicle. The vehicle has to be confiscated. The driver of the vehicle is not having driving licence at the time of accident. Only the vehicle can be held as security for the claim to be made by the victim and



prayed the petition to be dismissed.

At this juncture, the learned Government Advocate for the respondent would like to refer G.O.Ms.No.668, Home (Transport - IV), dated 22.11.2019, wherein it states as follows:

*"No Court shall release a Motor Vehicle involved in an accident resulting in death or bodily injury or damage to property, when such vehicle is not covered by the policy of insurance against third party risks taken in the name of registered owner or when the registered owner fails to furnish a copy of such insurance police despite demand by the investigating police officer, unless and until the registered owner furnishes sufficient security to the satisfaction of the Court to pay compensation that may be awarded in a claim case arising out of such accident."*

5.It is seen that the petitioner has produced the copy of the insurance from 18.08.2020 onwards. The insurance police pertaining to the period of accident was not filed by the petitioner. As per G.O.Ms.No.668, dated 22.11.2019, when there is no policy coverage for third parties, it is the duty of the petitioner to furnish sufficient security. The petitioner refused to furnish security before the learned Judicial Magistrate, Rajapalayam. The vehicle is in custody from 07.08.2020 onwards. Keeping the vehicle idle will deteriorate the value of the vehicle.

6.In view of the above, this Criminal Revision Case is allowed and the learned Judge is directed to return the tractor to the petitioner for safe custody subject to the confiscation proceedings on the following conditions:

(i) The petitioner shall deposit the original Registration Certificate of the vehicle with the learned Judicial Magistrate, Rajapalayam ;

(ii) The petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.242 of 2020 before the learned Judicial Magistrate, Rajapalayam within a period of two weeks from the date of receipt of copy of this order.

(iii) The petitioner is directed to execute a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam ;

(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 ;  
(v) If any of the aforesaid conditions are  
violated, this order automatically stands cancelled.

Sd/-

Assistant Registrar (CSII)

WEB COPY

// True Copy //

/ /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 Judicial Magistrate, Rajapalayam.
- 2.The Inspector of Police,  
Thalavaipuram Police Station,  
Virudhunagar District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.D.RAJABOOPATHY, Advocate ( SR-14033[F] dated 29/03/2021 )

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26.03.2021

SGS (CO)  
KB(08.04.2021) 3P 5C