



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2021

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.RC (MD) No.388 of 2021

Chandran

... Petitioner/3rd Party

Vs.

State Rep. by
The Sub Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.
(Cr.No.6 of 2021)

... Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the impugned order passed in Cr.M.P.No.295 of 2021, dated 23.04.2021, by the Sessions Judge of Special Court for Exclusive Trail of Cases under SC/ST (POA) Act, 1989 in Crime No.6 of 2021 on the file of the respondent police station and consequently release the petitioner's Maruthi Suzuki Swift Dzire car Vehicle No.TN-03-Y-2430, within a stipulated time that may be fixed by this Court.

For Petitioner	:	Mr.R.Senthilkumar
For Respondent	:	Mr.RMS.Sethuraman Standing Counsel for state

O R D E R

The petitioner claims to be the owner of the Maruthi Suzuki Swift Dzire Car, bearing Registration No.TN-03-Y-2430. On 30.12.2020 at 8.00 a.m., the accused Nos.1 to 4 were abducting the defacto complainant and assaulted him with filthy language and caste name. Based on the complaint, FIR has been registered under Section 147, 294(b), 323, 365, 506(ii) IPC and 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989, in Cr.No.6 of 2021, dated 06.01.2021. Seeking return of the said vehicle, the petitioner has filed a petition before the learned Sessions Judge of Special Court for Exclusive Trail of Cases under SC/ST (POA) Act, 1989, Ramanathapuram, for interim custody. The learned Judge, by order dated 23.04.2021, has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

2.Heard the learned counsel appearing on either side and
<https://hcservices.ecourts.gov.in/hcservices/>



perused the materials available on record.

3.Mr.RMS. Sethuraman, learned Standing Counsel appearing for State has strongly opposed to release the vehicle.

4. On consideration of the documentary evidence, the trial Court has dismissed the petition, seeking to release the vehicle filed by the petitioner. However, Considering the facts and circumstances of the case, this Court is inclined to allow this petition.

5. Accordingly, this petition is allowed and the order of the learned Sessions Judge of Special Court for Exclusive Trail of Cases under SC/ST (POA) Act, 1989, Ramanathapuram in Cr.M.P.No.295 of 2021, dated 23.04.2021 is set aside and the learned Judge is directed to return the vehicle subject to the petitioner on the following conditions:-

(a)the petitioner shall deposit the original Registration Certificate of the vehicle;

(b)the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.6 of 2021 on the file of the learned Sessions Judge of Special Court for Exclusive Trail of Cases under SC/ST (POA) Act, 1989, Ramanathapuram, within a period of two week from the date of receipt of a copy of this order;

(c)the petitioner shall not make any alteration of the vehicle;

(d)the petitioner shall produce the same before the Court as an when required.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

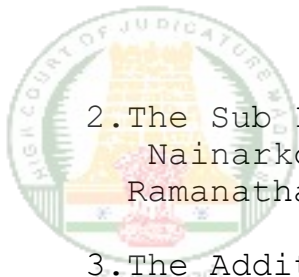
Sub Assistant Registrar(CS)

vsd

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 of Special Court
for Exclusive Trail of Cases under SC/ST (POA) Act, 1989.
Ramanathapuram District.



2.The Sub Inspector of Police,
Nainarkovil Police Station,
Ramanathapuram District.

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

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25.06.2021

KB(28.06.2021) 3P 4C