



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2021

CORAM

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

Crl.R.C(MD)No.458 of 2021

R.Ramaraj

... Petitioner/Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thogaimalai Police Station,
Karur District.
(Cr.No.236 of 2020)

... Respondent/Complainant

Prayer : This Criminal Revision is filed under Section 397 & 401 of Criminal Procedure Code, to call for the records pertaining to the order, dated 08.02.2021 passed in Crl.M.P.No.1848 of 2020 on the file of the Sessions Judge, Karur, set aside the same.

For Petitioner : Mr.S.Mahalingam

For Respondent : Mr.RMS.Sethuraman,
Counsel for State Government
(Crl.side)

O R D E R

This Criminal Revision Case is filed to set aside the order passed by the learned Sessions Judge, Karur in Crl.M.P.No.1848 of 2020, dated 08.02.2021.

2.The petitioner claims to be the owner of the Tractor and Trailer, bearing Registration No.TN-46-D-5924 and TN-48-A-6874. According to the petitioner, the alleged vehicle was seized by the Revenue Inspector on 07.05.2020 and the respondent police registered the case in Crime No.236 of 2020 for the offence under Section 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957. Seeking return of the said vehicle, the petitioner has approached the learned Sessions Judge, Karur, by way of filing a petition in Crl.M.P.No.1848 of 2020, for interim custody. The learned judge, by order dated 08.02.2021 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.Mr.RMS.Sethuraman, learned counsel for State Government (Crl. side) has strongly opposed to release the vehicle.



5. 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.

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6. Accordingly, this petition is allowed and the order of the learned Sessions Judge, Karur in Crl.M.P.No.1848 of 2020 is set aside and the learned Judge is directed to return the vehicle subject to the following conditions:-

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

(b)the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) to the credit of Crime No.236 of 2020 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;

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

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

Sd/-

Assistant Registrar (W)

// 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, Karur.

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

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

+1 CC to M/s.K.MANOCHARAN, Advocate (SR-25193[F] dated 04/08/2021)
Crl.R.C (MD) No.458 of 2021
02.08.2021