



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2021

CORAM

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

Crl.R.C(MD)No.425 of 2021

WEB COPY

Subramanian

... Petitioner/ Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Navalpattu Police Station,
Tiruchirappalli District.
(Cr.No.71 of 2021)

...Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 & 401 of Criminal Procedure Code, to set aside the order passed in Cr.M.P.No.2368 of 2021 by the Judicial Magistrate No.III, Tiruchirappalli, dated 17.04.2021 and order interim custody of the Lorry bearing Registration No.TN-31-H-6262 seized by the respondent on 05.03.2021 in connection with his Crime No.71 of 2021 to the petitioner.

For Petitioner	: Mr.T.Lenin Kumar
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 Judicial Magistrate No.III, Tiruchirappalli in Cr.M.P.No.2368 of 2021, dated 17.04.2021.

2.The petitioner claims to be the owner of the Ashok Leyland Tipper Lorry, bearing Registration No.TN-31-H-6262. According to the petitioner, the alleged vehicle was seized by the Village Administrative Officer on 05.03.2021 and the respondent police registered the case in Crime No.71 of 2021 for the offence under Sections 379, 465, 468 and 471 IPC. Seeking return of the said vehicle, the petitioner has approached the learned Judicial Magistrate No.III, Tiruchirappalli, by way of filing a petition in Cr.M.P.No.2368 of 2021, for interim custody. The learned judge, by order dated 17.04.2021 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.

6.Accordingly, this petition is allowed and the order of the learned Judicial Magistrate No.III, Tiruchirappalli in Cr.M.P.No.2368 of 2021 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.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.71 of 2021 on the file of the Judicial Magistrate No.III, Tiruchirappalli, 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 (CS-I)

// 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 Judicial Magistrate No.III,
Tiruchirappalli.
- 2.The Inspector of Police,
Navalpattu Police Station,
Tiruchirappalli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-25003[F] dated 02/08/2021)

Crl.R.C(MD)No.425 of 2021
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SSS(CO)

LR (09.08.2021) 3P 5C