



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2021

CORAM

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

Crl.RC(MD)No.428 of 2021

Chandran

... Petitioner

**Vs.**

State Represented by  
The Inspector of Police,  
Mayanur Police Station,  
Karur District.  
(Crime No.53 of 2020)

... Respondent

**PRAYER:** This Criminal Revision Case is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to order, dated 17.09.2020 passed by the Sessions Judge, Karur in Crl.M.P.No.1303 of 2020, set aside the same.

For Petitioner : Mr.P.Pethu Rajesh

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

**O R D E R**

This Criminal Revision Case has been filed to set aside the order passed by the learned Sessions Judge, Karur in Crl.M.P.No.1303 of 2020, dated 17.09.2020.

2.The petitioner claims to be the owner of the Bolero Maxi Truck Plus vehicle, bearing Registration No.TN-86-4855. On 15.03.2020, the respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand without any valid permit and registered a case in Crime No.53 of 2020 under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. Subsequently, the petitioner has approached the learned Sessions Judge, Karur, by way of filing a petition in Crl.M.P(MD)No.1303 of 2020 for release of the vehicle. The learned judge, by order dated 17.09.2020 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 Standing Counsel for State Government (Crl. side) submitted that the petitioner is the habitual offender in similar kind of offences and hence he has strongly



opposed to release the vehicle.

5. It is seen that the vehicle was seized by the respondent police on 15.03.2020. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated, due to the exposure to climatic conditions. Hence, this Court is inclined to allow the petition with certain conditions.

6. Accordingly, this Criminal Revision Case is allowed and the order of the learned Sessions Judge, Karur in Crl.M.P.No.1303 of 2020, dated 17.09.2020 is set aside and the learned Sessions Judge, Karur is directed to return the vehicle subject to 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.53 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 (P&A)

// 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,

Mayanur Police Station, Karur District.

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.PETHU RAJESH, Advocate(SR-23355[F] dated 20/07/2021)

Crl.RC (MD) No.428 of 2021

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