



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.08.2021
CORAM

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

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Cr1.R.C(MD)No.510 of 2021

Manimuthu

... Petitioner/Petitioner

Vs.

State Through
The Inspector of Police,
Kallal Police Station,
Sivagangai District.
(Cr.No.71 of 2021)

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order passed by the Principal Sessions Judge, Sivagangai in Cr.M.P.No.1647 of 2021, dated 12.07.2021 and set aside the same.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.RMS.Sethuraman,

Counsel for State Government (Cr1.side)

O R D E R

This Criminal Revision Case is filed to set aside the order passed by the learned Principal Sessions Judge, Sivagangai in Cr.M.P.No.1647 of 2021, dated 12.07.2021.

2.The petitioner claims to be the owner of the Tipper Lorry, bearing Registration No.TN-63-BD-5040. According to the petitioner, the alleged vehicle was seized by the Village Administrative Officer on 18.04.2021 and the respondent police registered the case in Crime No.71 of 2021 for the offence under Section 379 IPC r/w Section 21 (4) of Mines and Minerals (Development and Regulation) Act 1957. Seeking return of the said vehicle, the petitioner has approached the learned Principal Sessions Judge, Sivagangai, by way of filing a petition in Cr.M.P.No.1647 of 2021, for interim custody. The learned judge, by order, dated 12.07.2021 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 (Cr1. 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 Principal Sessions Judge, Sivagangai in Cr.M.P.No.1647 of 2021, dated 12.07.2021 is set aside and the learned Judge is directed to return the vehicle subject to the following conditions:-

(a) the petitioner shall produce the certified copy of the R.C.Book 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 learned Principal Sessions Judge, Sivagangai, 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 Principal Sessions Judge, Sivagangai.

2. The Inspector of Police,
Kallal Police Station,
Sivagangai District.



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

+1 CC to M/s.K.SATHISHKUMAR, Advocate (SR-25833[F] dated 10/08/2021
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