



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2021

CORAM

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

CrI.R.C(MD)No.537 of 2021

Karthikkumar

... Petitioner

Vs.

- 1.The District Collector,
Dindigul.
- 2.The Revenue Divisional Officer,
Dindigul.
- 3.The Assistant Director,
Department of Geology and Mining,
Dindigul.
- 4.The Thasildar,
Vedasendur.
- 5.State through
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
(Cr.No.1649 of 2020)

... Respondents

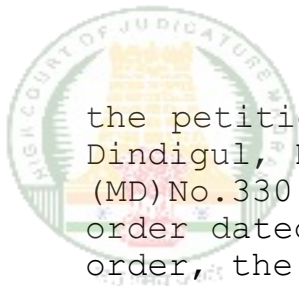
PRAYER: This Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order of the Principal Sessions Judge, Dindigul, Dindigul District passed in CrI.M.P.No.330 of 2021 in Crime No.1649 of 2020, dated 29.07.2021 and set aside the same.

For Petitioner	: Mr.S.Sarvagan Prabhu
For Respondents	: Mr.RMS.Sethuraman
	Counsel for State Government(CrI.side)

O R D E R

This Criminal Revision Case is filed to set aside the order passed by the learned Principal Sessions Judge, Dindigul, Dindigul District made in CrI.M.P.No.330 of 2021, dated 29.07.2021.

2.The petitioner claims to be the owner of the Ashok Leyland (DOST), bearing Registration No.TN-57-BD-0799. On 30.12.2020, 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 the case in Crime No.1649 of 2020 for the offence under Section 379 IPC. Subsequently,



the petitioner has approached the learned Principal Sessions Judge, Dindigul, Dindigul District, by way of filing a petition in Crl.M.P (MD)No.330 of 2021 for release of the vehicle. The learned judge, by order dated 29.07.2021 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

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3.The learned counsel appearing for the petitioner submitted that the vehicle was purchased by hypothecated in a private finance company. If the vehicle is not given to the petitioner, the petitioner will be put to heavy and irreparable loss and prayed for return of the vehicle to the petitioner.

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

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

6.On consideration of the documentary evidence, the trial Court has dismissed the petition on the ground that the vehicle was hypothecated under private finance company and to prove the ownership of vehicle, the petitioner has filed R.C. book for the vehicle 'Ashok Leyland (DOST) bearing Registration No.TN-57-BD-0799', but in his petition, the petitioner mentioned the interim custody vehicle as Ashok Leyland (DOST) bearing Registration No.TN-57-DB-0799. Since the reasons stated by the petitioner in the petition are acceptable, the order passed by the trial Court is liable to be set aside.

7.Accordingly, this Criminal Revision Case is allowed and the order of the learned Principal Sessions Judge, Dindigul, Dindigul District in Crl.M.P.No.330 of 2021, dated 29.07.2021 is set aside and the learned Principal Sessions Judge, Dindigul, Dindigul District is directed to return the vehicle subject to the petitioner complying the following conditions:-

(a)The petitioner shall produce the attested copy of the R.C Book obtained from the financier;

(b)The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) to the credit of Crime No.1649 of 2020 on the file of the learned Principal Sessions Judge, Dindigul, Dindigul District, 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 an when required.

Sd/-

Assistant Registrar (CS II)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
Dindigul.
- 2.The District Collector,
Dindigul.
- 3.The Revenue Divisional Officer,
Dindigul.
- 4.The Assistant Director,
Department of Geology and Mining,
Dindigul.
- 5.The Thasildar,
Vedasendur.
- 6.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-26697[F] dated 18/08/2021)

Cr1.R.C(MD)No.537 of 2021

18.08.2021

RS (01.09.2021) 3P 8C