



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.08.2021
CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**
Crl.R.C(MD)No.579 of 2021

WEB COPY

Kannan

... Petitioner/Petitioner

Vs.

State through
The Sub Inspector of Police,
Thogamalai Police Station,
Karur District.
(Cr.No.353 of 2020)

... Respondent/Respondent

PRAYER: This Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order passed by the Sessions Judge, Karur in Cr.M.P.No.1379 of 2020, dated 30.09.2020 set aside and release the petitioner's vehicle JCB (Earth Mover) Registration No.TN-45-BH-5496 for interim custody and allow this revision petition.

For Petitioner : Mr.C.Susi Kumar

For Respondent : Mr.RMS.Sethuraman

Counsel for State Government (Crl.side)

O R D E R

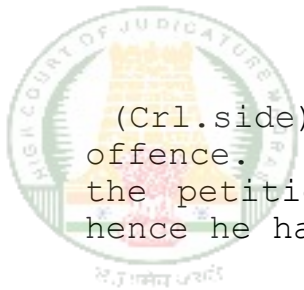
This Criminal Revision Case has been filed to set aside the order passed by the learned Sessions Judge, Karur in Crl.M.P.No.1379 of 2020, dated 30.09.2020.

2.The petitioner claims to be the owner of the JCB, bearing Registration No.TN-45-BH-5496. On 28.07.2020, the respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for committing the offence of transporting the illegal sand. Subsequently, the petitioner has approached the learned Sessions Judge, Karur, by way of filing a petition in Crl.M.P(MD)No.1379 of 2020 for release of the vehicle. The learned judge, by order dated 30.09.2021 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

3.The learned counsel appearing for the petitioner submitted that if the vehicle is not returned to the petitioner, the petitioner will be put to heavy and irreparable loss. Hence, he prayed for return of the vehicle to the petitioner.

4.Mr.RMS.Sethuraman, learned counsel for State Government

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(Crl.side) submitted that this vehicle is used for similar type of offence. He further submitted that if the vehicle is returned to the petitioner, the vehicle will be used for similar offence and hence he has strongly opposed to release the vehicle.

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

6. It is seen that the vehicle was seized by the respondent police on 28.07.2020 and the vehicle is in the custody of the police for the past one year. Keeping the vehicle idle for one year, will make the vehicle useless. Hence, this Court is inclined to allow the petition with certain conditions.

7. Accordingly, this Criminal Revision Case is allowed and the order of the learned Sessions Judge, Karur in Crl.M.P.No.1379 of 2020, dated 30.09.2020 is set aside and the learned Sessions Judge, Karur is directed to return the vehicle subject to the petitioner complying the following conditions:-

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

(b)the petitioner shall pay a sum of Rs.1,00,000/- (Rupees One lakh only) as costs, to the credit of the Chief Justice Relief Fund (payable in Accounts Section of the High Court Registry) within a period of two weeks from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automatically without further reference to this Court;

(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-II)

// 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.

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To

1. The Sessions Judge,
The Sessions Court,
Karur.

2. The Sub Inspector of Police,
Thogamalai Police Station,
Karur District.

Copy to:-

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai. (Chief Justice Relief Fund)

Crl.R.C (MD) No.579 of 2021
31.08.2021

RD(8.09.2021) 3P 4C