



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 21.01.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.598 of 2020

Karthikeyan

.. Petitioner/Petitioner

Vs.

State through

The Inspector of Police,
Manikandam Police Station,
Crime No.517 of 2020,
Trichy District.

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records relating to the order passed by the learned Principal Sessions Judge, Tiruchirappalli in Cr.M.P.No.3287 of 2020, dated 17.09.2020 set aside the same and allow this revision petition.

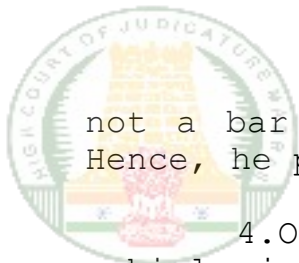
For Petitioner	: Mr.K.Navaneetharaja
For Respondent	: Mr.S.Chandrasekar
	Additional Government Pleader

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the Principal Sessions Judge, Tiruchirappalli, in Cr.M.P.No.3287 of 2020, dated 17.09.2020.

2.The vehicle / Tipper Lorry bearing Registration No.TN-45-W-5477 was seized by the respondent police in Crime No.517 of 2020, under Sections 21(4) of Mines and Minerals (Development and Regulation) Act and 379 of I.P.C. The petitioner filed a petition in Cr.M.P.No.3287 of 2020 before the Principal Sessions Judge, Tiruchirappalli for return of the vehicle. That petition was dismissed by the trial Court, on 17.09.2020. Against the same, the petitioner preferred this Criminal Revision.

3.On the side of the petitioner, it is stated that the petition filed by the petitioner was dismissed only on the ground that there was a previous case against him. Even in the earlier case, the petitioner was not available in the place of occurrence. He was only impleaded as the owner of the vehicle. In the present case, the petitioner was not available in the place of occurrence and he was impleaded only as the owner of the vehicle. It is further stated that the petitioner is having previous case, which is



not a bar for getting the vehicle return back to the petitioner. Hence, he prayed the vehicle to be returned to the petitioner.

4. On the side of the respondent, it is stated that the vehicle is used for commission of the offence again and again and already a case in Crime No.73 of 2019 is pending against the petitioner and the vehicle was seized by the respondent along with 2 ½ unit of sand. Sand theft is an public offence. If the vehicle is handed over to the petitioner, there is a possibility for the vehicle to be used for commission of similar offences again and prayed the petition to be dismissed.

5. It is seen that two FIR's are pending against the petitioner. In both the cases, the same vehicle was involved. But there is no use in keeping a vehicle in the open place, thereby, causing the vehicle useless. Hence, this Court is inclined to return the vehicle to the petitioner on the following conditions:

6. Accordingly, this Criminal Revision Case is allowed and the order passed by the Principal Sessions Judge, Tiruchirappalli, in Cr.M.P.No.3287 of 2020, dated 17.09.2020, is set aside and the vehicle / Tipper Lorry is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings to be taken by the concern Department or by the Court on the following conditions:-

(i) The petitioner has to file an undertaking affidavit that he will not in use the vehicle and let the others to use his vehicle for commission of the similar offence again. If at all, the vehicle was seized during the commission of any other offence, the petitioner will not be entitled for return of vehicle in future.

(ii) The petitioner shall deposit the original Registration Certificate of the vehicle before the Principal Sessions Judge, Tiruchirappalli;

(iii) The petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.517 of 2020 on the file of the Principal Sessions Judge, Tiruchirappalli, within a period of one month from the date of receipt of a copy of this order along with a bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties for a like sum;

(iv) The petitioner shall not alienate and shall not make any alterations in the vehicle;

<https://hcservices.ecourts.gov.in/hcservices/> (v) The petitioner shall produce the vehicle



before the Court and before the respondent as and when required, by the Court and by the respondent.

Sd/-

Assistant Registrar (RTI Act)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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, Tiruchirappalli.
- 2.The Inspector of Police,
Manikandam Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No.598 of 2020
21.01.2021

ES (CO)

KB (03.02.2021) 3P 4C