



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.09.2021

CORAM

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

Crl.R.C(MD)No.608 of 2021

D.Ramesh Raja

... Petitioner

Vs.

The Sub Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District at Nagercoil.

... Respondent

PRAYER: This Criminal Revision Case filed under Section 397 r/w 401 (1) of Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.3051 of 2021, dated 15.07.2021 passed by the Court of Principal Sessions Judge, Kanyakumari District at Nagercoil in Crime No.403 of 2020 on the file of the Nithiravilai Police Station.

For Petitioner : Mr.S.C.Herold Singh

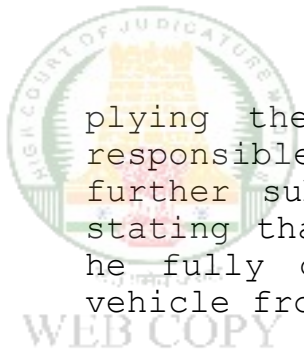
For Respondent : Mr.RMS.Sethuraman
Counsel for State Government (Crl.side)

ORDER

This Criminal Revision Case is filed to set aside the order passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil made in Crl.M.P.No.3051 of 2021, dated 15.07.2021.

2.The petitioner claims to be the owner of the Tipper Lorry, bearing Registration No.TN-69-BF-0205. On 27.11.2020, 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.403 of 2020 for the offence under Section 379 IPC. Subsequently, the petitioner has approached the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, by way of filing a petition in Crl.M.P.No.3051 of 2021 for release of the vehicle. The learned judge, by order dated 15.07.2021 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 at the time of seizing the vehicle, the original owner of the vehicle sold the vehicle to the petitioner and the petitioner was



plying the said vehicle. Therefore, the previous owner is not responsible for the occurrence leading to seizing of vehicle. He further submitted that the previous owner has filed an affidavit stating that he has already sold the vehicle to the petitioner and he fully consented the present purchaser to get release of the vehicle from court custody.

4.Mr.RMS.Sethuraman, learned counsel for State Government (Crl.side) appearing for the respondent.

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

6. It is seen that the the only ground upon which the lower Court has dismissed the petition is that the R.C. book of the said vehicle stands in the name of previous owner. The previous owner has already sold the vehicle to the petitioner and he has filed an affidavit to that effect. 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 Principal Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.3051 of 2021, dated 15.07.2021 is set aside and the learned Principal Sessions Judge, Kanyakumari District at Nagercoil 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 deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.403 of 2020 on the file of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, 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.

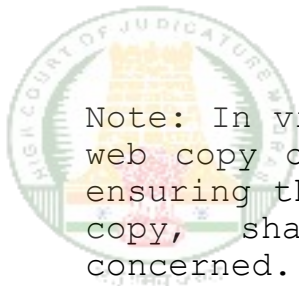
Sd/-

Assistant Registrar (CS-II)

// 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.

WEB COPY

- To
- 1.The Principal Sessions Judge,
Kanyakumari District at Nagercoil.
 - 2.The Sub Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District at Nagercoil.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-28930[F] dated 14/09/2021)

Crl.R.C (MD) No.608 of 2021
14.09.2021

RD(21.09.2021) 3P 5C