



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 17.09.2021  
CORAM

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

WEB COPY

Crl.R.C(MD)No.635 of 2021

Elizadarving Das ... Petitioner/Petitioner /  
Agreement holder

Vs.

The Inspector of Police,  
Palukal Police Station,  
Kanyakumari District. ...Respondent/Respondent/Complainant

**PRAYER:** This Criminal Revision Case filed under Section 397 & 401(1) of Criminal Procedure Code, to set aside the order passed in Crl.M.P.No.3295 of 2021, dated 03.08.2021 passed by the Court of Principal Sessions Judge, Kanyakumari District at Nagercoil in Crime No.16 of 2021 on the file of the Palugal Police Station.

For Petitioner : Mr.L.Jeen Felix  
For Respondent : Mr.RMS.Sethuraman  
Additional Public Prosecutor

### **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.3295 of 2021, dated 03.08.2021.

2.The petitioner claims to be the owner of the SWARAJ MAZDA OPEN TIPPER, bearing Registration No.TN-75-AQ-9315. According to the petitioner, the alleged vehicle was seized by the Village Administrative Officer on 04.02.2021 and the respondent police registered the case in Crime No.16 of 2021 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.3295 of 2021 for release of the vehicle. The learned judge, by order dated 03.08.2021 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 has no objection to release the vehicle to the petitioner.

4.Mr.RMS.Sethuraman, learned Additional Public Prosecutor 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.3295 of 2021, dated 03.08.2021 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.16 of 2021 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-III)

// 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

<https://hcservices.mca.gov.in/hcservices/> of the advocate/litigant concerned.



To

1.The Principal Sessions Judge,  
Kanyakumari District at Nagercoil.

2.The Inspector of Police,  
Palukal Police Station,  
Kanyakumari District.

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

+1 CC to M/s.S.C.HEROLD SINGH, Advocate ( SR-29683[F] dated  
21/09/2021 )

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