



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2021

CORAM

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

Crl.R.C(MD)No.664 of 2021

Karthikeyan

... Petitioner/Petitioner-Third Party

Vs.

State Rep. by
The Sub Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
(Cr.No.227 of 2019)

... Respondent/Complainant

Prayer: This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records of the Session Judge, Karur District by its order, dated 01.02.2021 in Crl.M.P.No.1617 of 2020 in Crime No.227 of 2019 and set aside the dismissal order, dated 01.02.2021.

For Petitioner : Mr.M.Viji
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

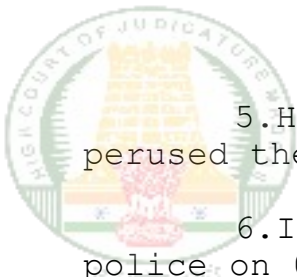
O R D E R

This Criminal Revision Case is filed to set aside the order passed by the learned Sessions Judge, Karur in Crl.M.P.No.1617 of 2020, dated 01.02.2021.

2.A vehicle viz., Yamaha Fascino bearing Registration No.TN-88-W-3726 was seized by the respondent police in Crime No.227 of 2019 under Section 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957. Seeking return of the said vehicle, the petitioner has approached the learned Sessions Judge, Karur, by way of filing a petition in Crl.M.P.No.1617 of 2020, for interim custody. The learned judge, by order dated 01.02.2021 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 Additional Public Prosecutor appearing for the respondent 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 02.08.2019 and the vehicle is in the custody of the police for the past two years. Keeping the vehicle idle for two years, 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 dated 01.02.2021 in Crl.M.P.No.1617 of 2020, on the file of the learned Sessions Judge, Karur, is hereby set aside. The learned Judge is directed to return the vehicle to the petitioner on the following conditions:-

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

(b) the petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen thousand 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; and

(d) The petitioner shall produce the same before the Court as and when required.

Sd/-

Assistant Registrar (CS III)

// 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 Sessions Judge,
Karur.

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

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

Copy to:

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.SURLIRAJA, Advocate (SR-30227[F] dated 24/09/2021)

Crl.R.C(MD)No.664 of 2021
22.09.2021

RS (29.09.2021) 3P 6C