



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.620 of 2019

WEB COPY

Sundar

... Petitioner / Petitioner /
Accused No.1

Vs.

The State Rep. by
The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Cr.No.281 of 2019)

... Respondent / Respondent /
Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the order of the Principal Sessions Judge, Karur, dated 24.07.2019 in Crl.M.P.No.851 of 2019 filed by the petitioner under Section 451 of Cr.P.C. and set aside the same as illegal and entrust the custody of the vehicle bearing Reg.No.TN-47-Z-9696 Hero Unicorn to the petitioner and allow the above Criminal Revision Petition.

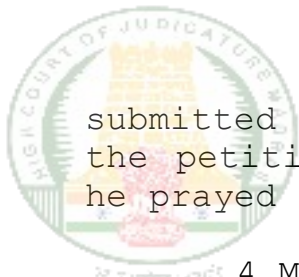
For Petitioner	: Mr.A.Premanand
For Respondent	: Mr.RMS.Sethuraman, Counsel for State Government (Crl.side)

O R D E R

This Criminal Revision Case is filed to set aside the order passed by the learned Principal Sessions Judge, Karur in Crl.M.P.No.851 of 2019, dated 24.07.2019.

2.A vehicle viz., Hero Unicorn bearing Registration No.TN-47-Z-9696 was seized by the respondent police in Crime No.281 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 Principal Sessions Judge, Karur, by way of filing a petition in Crl.M.P.No.851 of 2019, for interim custody. The learned judge, by order dated 24.07.2019 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

<https://hcservices.ecourts.gov.in/hcservices/> 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 (Crl.side) 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 26.06.2019 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 24.07.2019 in Crl.M.P.No.851 of 2019, on the file of the learned Principal Sessions Judge, Karur, is hereby set aside and the vehicle / two wheeler 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:-

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

(b)The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) to the credit of Cr.No.851 of 2019 on the file of the learned Principal Sessions Judge, Karur, 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; and

(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.

To

- 1.The Principal Sessions Judge,
Karur.
- 2.The Inspector of Police,
Kulithalai Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.R.C (MD) No.620 of 2019
06.09.2021

ES(CO)
SB(15.09.2021) 3P 4C