



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 21.01.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.684 of 2020

Muralitharan

.. Petitioner/

Petitioner cum Owner of the Property/
3rd Accused

Vs.

The Inspector of Police,
Vangal Police Station,
Karur District.
(Crime No.262 of 2020)

.. Respondent/
Respondent Cum Complainant /
Complainant

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to set aside the order made in Crl.M.P.No.1649 of 2020, on the file of the learned Sessions Judge, Karur, dated 04.12.2020 and hand over the interim custody of the vehicle bearing Reg.No.TN-69-J-7952 belongs to the petitioner.

For Petitioner : Mr.S.Gokulraj

For Respondent : Mrs.S.Bharathi
Government Advocate (Criminal side)

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the Sessions Judge, Karur, in Crl.M.P.No.1649 of 2020, dated 04.12.2020.

2.The vehicle / Tipper Lorry bearing Registration No. TN-69-J-7952 was seized by the respondent police in Crime No.262 of 2020, under Sections 379 IPC and 21(1) of Mines and Minerals (Development and Regulation) Act. The petitioner filed a petition in Crl.M.P.No.1649 of 2020 before the Sessions Judge, Karur, for return of the vehicle. That petition was dismissed by the trial Court, on 04.12.2020. Against the same, the petitioner preferred this Criminal Revision.

3.On the side of the petitioner, it is stated that the the
<https://hdservices.ecourts.gov.in/hdservices/> dismissed the petition only on the ground that the



confiscation proceedings are to be initiated and if the vehicle is kept in the open place, the valuable of the vehicle is deteriorating due to climatic conditions and 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 illegal mining and three units of river sand was found in the alleged vehicle and already a case in Crime No.103 of 2006 for the offence under Section 304(A) IPC was pending against the petitioner and there is no document to prove the ownership of the petitioner and prayed the petition to be dismissed.

5. It is seen that the Registration Certificate of the vehicle is in the name of one Ebenesar and not in the name of the petitioner. It is stated that the petitioner purchased the second hand vehicle on 10.02.2020 and the petitioner was not able to get the vehicle transfer to his name and there is no use in keeping the vehicle idle. The vehicle is in the custody of the police from 21.05.2020 onwards and the vehicle is kept in the open place from 21.05.2020 I.e., for the past ten months. Keeping the vehicle idle exposing to climatic conditions will make 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 Sessions Judge, Karur, in Crl.M.P.No.1649 of 2020, dated 04.12.2020, 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 to produce the R.C. Book in his name within a period of two weeks from the date of return of the vehicle and thereafter, the petitioner shall deposit the original Registration Certificate of the vehicle before the Sessions Judge, Karur;

(ii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.262 of 2020 on the file of the Sessions Judge, Karur, 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;

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



(iv)The petitioner shall produce the vehicle before the Court and before the respondent as and when required, by the Court and by the respondent.

(v)After the vehicle is transferred to the petitioner's name, he is at liberty to approach the learned Sessions Judge, Karur, for return back of a sum of Rs.50,000/-(Rupees Fifty Thousand Only), which was deposited by him.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Inspector of Police,
Vangal Police Station,
Karur District.

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

+1 CC to M/s.S.GOKUL RAJ, Advocate (SR-1716[F] dated 21/01/2021)

Crl. R.C.(MD)No.684 of 2020

21.01.2021

MJ(CO)

TR(05.02.2021) 3P 5C