



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 21.01.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.700 of 2020

Manikandan ... Revision Petitioner / Petitioner /
Present owner of the property
Vs.

State Rep. by
The Inspector of Police,
Vangal Police Station,
Karur District.
(Crime No.323 of 2020)

... Respondent/Respondent/Complainant

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records relating to the order, dated 04.12.2020 passed in Crl.M.P.No.1628 of 2020 in R.P.No.89 of 2020 on the file of the Principal Sessions Judge, Karur, and to set aside the same and consequentially direct the learned Judicial Magistrate No.II, Karur, to return the vehicle bearing Registration No.TN-70-F-6773 to the petitioner.

For Petitioner : Mr.K.Balasubramani

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 Principal Sessions Judge, Karur, in Crl.M.P.No.1628 of 2020 in R.P.No.89 of 2020, dated 04.12.2020.

2.The vehicle / Taurus Lorry bearing Registration No.TN-70-F-6773 was seized by the respondent police in Crime No.323 of 2020, under Sections 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act 1957. The petitioner filed a petition in Crl.M.P.No.1628 of 2020 before the Principal 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 trial Court has dismissed the petition only on the ground that the vehicle is likely to be confiscated. The vehicle was seized on



29.06.2020 and was kept in the open place by the police and if the vehicle is exposed to climatic conditions, the value of the vehicle will be deteriorated and prayed the vehicle to be returned to the petitioner.

4.On the side of the respondent, it is stated that the vehicle was seized by the respondent police with six units of sand and there is no proof of ownership for the petitioner. The R.C. Book is not in the name of the petitioner. Sand theft is an offence against the society. If the vehicle is returned to the petitioner, there is a possibility for the vehicle being used for commission of similar offences again and prayed the petition to be dismissed.

5.It is seen that the vehicle was seized on 29.06.2020 and is kept in the open place for the past seven months. The vehicle is a Taurus Lorry manufactured in the year 2012. If the vehicle is kept in the open place with the load exposing the vehicle to the climatic condition will make the vehicle useless for anyone.

6.Accordingly, this Criminal Revision Case is allowed and the order passed by the Principal Sessions Judge, Karur, in Crl.M.P.No.1628 of 2020 in R.P.No.89 of 2020, dated 04.12.2020, is set aside and the vehicle / Taurus 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 learned Principal Sessions Judge, Karur;

(ii)The petitioner shall deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to the credit of Crime No.262 of 2020 on the file of the learned Principal 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 Principal Sessions Judge, Karur, for return back of a sum of Rs.50,000/-(Rupees Fifty Thousand Only), which was deposited by him.

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Sd/-

Assistant Registrar (CS-I)

// 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 Principal Sessions Judge, Karur.
- 2.The Judicial Magistrate No.II, Karur.
- 3.The Inspector of Police,
Vangal Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AP(04/02/2021) 3P 5C