



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.02.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.694 of 2020

Anthonyysamy

.. Petitioner

Vs.

The Forest Range Officer,
Thoothukudi Forest Range,
Thoothukudi.

W.L.O.R.No.5 of 2020.

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.703 of 2020 in W.L.O.R.No.5 of 2020, dated 24.09.2020 on the file of the District Munsif cum Judicial Magistrate, Vilathikulam, Thoothukudi District and to set aside the same.

For Petitioner	: Mr.R.Murugan
For Respondent	: Mrs.S.Bharathi
	Government Advocate

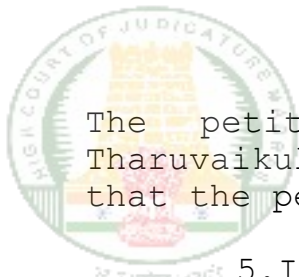
O R D E R

This revision has been filed to set aside the order passed in Cr.M.P. No.703 of 2020 in W.L.O.R.No.5 of 2020, dated 24.09.2020, on the file of the District Munsif cum Judicial Magistrate, Vilathikulam, Thoothukudi District.

2.A Boat bearing registration No.VOC- 726-C.V. was seized by the respondent police in W.L.O.R. No.5 of 2020, under Sections 2 (16), 9, 36(1) (a)(b) (d), 39 (3) (a) (b) (c), 40(2), 49(A), (a) (b), 50, 51(1) Part II of Wild Life Protection Act. The petitioner claiming himself as the owner of the property filed a petition for return of the vehicle in Cr.M.P.No.703 of 2020. That petition was dismissed by the District Munsif cum Judicial Magistrate, Vilathikulam, Thoothukudi District. Against the same, the petitioner preferred this Revision.

3.On the side of the petitioner, it is stated that only on the confession statement of the co-accused, the Boat of the petitioner was seized and the Boat was not at all in use and that for getting renewal of Permit the vehicle has to be produced. The petitioner is not an accused in the case. The entire livelihood of the petitioner depend on the Boat and prayed the vehicle to be returned to the petitioner.

4.On the side of the respondent, it is stated that prohibited Wild Life Turtles were been taken in the Boat and then in a Lorry. No R.C. record was produced by the petitioner, at that time of seizure. After 2019, the licence for the vehicle was not renewed.



The petitioner has produced a letter from the President, Tharuvaikulam Fishermen Co-operative Society, wherein, it is stated that the petitioner was using his Boat till 23.05.2020.

5.It is seen that the petitioner has not renewed the R.C. book for the Boat, but, he was using the same till 23.05.2020. There is no dispute regarding the ownership of the Boat. The Boat was seized by the respondent on 24.05.2020. There is no use in keeping the Boat in the open place and thereby, making the vehicle useless.

6.In the above circumstances, this Court is inclined to allow the Revision. Accordingly, this Criminal Revision Case is allowed and the order passed in Cr.M.P. No.703 of 2020 in W.L.O.R.No.5 of 2020, dated 24.09.2020, on the file of the District Munsif cum Judicial Magistrate, Vilathikulam, Thoothukudi District, is hereby set aside and the property/Boat 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 is directed to file an undertaking affidavit to get the Registration Certificate in the name of the petitioner and to submit the original Registration Certificate before the Judicial Magistrate, Vilathikulam, within a period of one month from the date of return of the Boat.

(ii)The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of WLOR No.5 of 2020 on the file of the Judicial Magistrate, Vilathikulam, within a period of four weeks 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 Boat;

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

Sd/-

Assistant Registrar ()

// 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 District Munsif cum Judicial Magistrate,
Vilathikulam,
Thoothukudi District
- 2.The Forest Range Officer,
Thoothukudi Forest Range,
Thoothukudi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No.694 of 2020
09.02.2021

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