



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.779 of 2021

Murugan

.. Petitioner/Petitioner

Vs.

The State through,
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.304 of 2021)

.. Respondent/Respondent

Prayer : This Revision Case is filed under Sections 397 r/w. Section 401 of Cr.P.C., to call for the records relating to the order passed by the Sessions Judge, Special Court for Trial of Cases Registered Under SC/ST (POA) ACT 1989, Ramanathapuram in Crl.M.P.No.541/2021 dated 11.10.2021.

For Petitioner : Mr.C.Susi Kumar

For Respondent : Mrs.Asha

Government Advocate

ORDER

This Criminal Revision has been filed to call for the records relating to the order passed by the Sessions Judge, Special Court for Trial of Cases Registered Under SC/ST (POA) ACT 1989, Ramanathapuram in Crl.M.P.No.541/2021 dated 11.10.2021.

2. A vehicle, named PIAGGIO APE AUTO RICKSAW, bearing registration No.TN-65-Z-4772 was seized by the respondent police in Crime No.304 of 2021 for offence under Sections 147, 148, 294 (b), 152, 506(ii) IPC r/w 25 (1) (a) Arms Act and 3(1), (r) (s), 3 (2) (v-a) of SC/CT (POA) Act 1989. The petitioner claiming himself as the owner of the vehicle, filed the petition Crl.M.P.No.541 of 2021 before the Special Court. That petition was dismissed by the trial Court. Against the same, the petitioner has preferred this Revision.

3. On the side of the revision petitioner, it is stated that, the trial Court dismissed the petition, as the vehicle was hypothecated with a private finance company. The private finance company Manoj Investments Finance Company Limited was shut down and the company is not in existence. The petitioner paid back all the amounts and the original RC book is with the petitioner and the petitioner is ready to deposit the amount and the original RC book as per the order of the trial Court and prayed the petition to be allowed.



4. On the side of the prosecution, it is stated that the petitioner is not the real owner of the property. The property is in the name of the finance company and prayed the petition to be dismissed.

WEB COPY

5. If the vehicle is kept in the open place, the value of the vehicle will be deteriorated. Copy of the RC book reveals that the petitioner is the owner of the property. It is seen that he purchased the property by getting financial help from a private finance company. The original RC Book is with the petitioner. There is no doubt, that the petitioner is the owner of the vehicle. Hence, this Court is inclined to return the property for interim custody, subject to the confiscation proceedings, to be taken in the criminal case.

6. Accordingly, this Criminal Revision Case is allowed and the order, passed by the learned Sessions Judge, Special Court for Trial of Cases Registered Under SC/ST (POA) Act 1989, Ramanthapuram, in Crl.M.P.No.541/2021, dated 11.10.2021, is here by set aside and the vehicle/ two wheeler is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:-

(i) The petitioner shall deposit the original Registration Certificate of the vehicle before the Special Court for Trial of Cases Registered Under SC/ST (POA) Act 1989, Ramanthapuram;

(ii)The petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties for a like sum, within a period of four weeks from the date of receipt of a copy of this order along with a bond;

(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 and this order is subject to the final order to be passed in the confiscation proceedings.

Sd/-

Assistant Registrar (CS I)

// True Copy //



mga/csm

Crl. R.C.(MD)No.779 of 2021

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,
Special Court for Trial of Cases Registered
Under SC/ST (POA) ACT, Ramanathapuram.
- 2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**Crl. R.C. (MD) No.779 of 2021
15.11.2021**

SS (CO)
SB(02.12.2021) 3P 4C