



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 26.11.2021
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.869 of 2021

P.Thirumurugan

.. Petitioner

Vs.

The State Rep. by,
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(Crime No.337 of 2021)

.. 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 refused of return of vehicle passed in Crl.M.P.No.3704 of 2021 dated 23.10.2021 on the file of the Principal District and Sessions Judge, Sivagangai Court to deal with the cases of offences in contravention of the provisions of the mines and minerals (D&R), Act, Crime No.337 of 2021 on the file of the respondent police and to set aside the same and to direct to release the vehicle bearing registration No.TN-64-C-8794.

For Petitioner	: Mr.K.Maheshraja
For Respondent	: Mrs.K.Asha
	Government Advocate

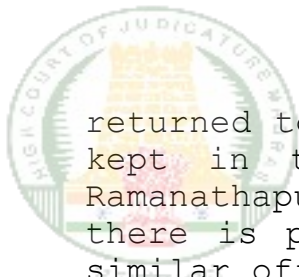
ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.3704 of 2021 dated 23.10.2021, on the file of the learned Principal Sessions Judge, Sivagangai, to grant interim custody of vehicle bearing Registration No.TN-64-C-8794 to the petitioner.

2.The petitioner claims to be the owner of the vehicle bearing registration No.TN-64-C-8794, which was seized by the respondent Police in Crime No.337 of 2021 for the offences under Section 379 of IPC, has filed a petition in Cr.M.P.No.3704 of 2021 before the learned Principal Sessions Judge, Sivagangai, for return of the vehicle. The petition was dismissed by the trial Court. Against which, the petitioner has preferred this revision case.

3.On the side of the petitioner, it is stated that the vehicle is kept idle for the past 100 days. Exposure to climatic conditions will spoil the value of the vehicle and prayed the vehicle to be returned for interim custody.

4.On the side of the respondent, it is stated that there is previous case against the petitioner. Already the same vehicle was



returned to the petitioner by the trial Court and even R.C. Book is kept in the custody of the learned Principal District Judge, Ramanathapuram. If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offence and prayed the petition to be dismissed.

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5.It is seen that the same vehicle was seized by the respondent Police in Crime No.64 of 2020 and the petitioner has filed a petition in Crl.M.P.No.1028 of 2020 and the petition was allowed on 26.06.2020 and the vehicle was returned to the petitioner. The R.C. Book was deposited before the Court in Spl.C.C.No.58 of 2020. Even after the return of the vehicle by the Special Court, the petitioner is alleged to have involved in similar offence. The same vehicle is alleged to have been used for commission of similar offence again. If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offence.

6.In the above circumstances, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MRN

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 District and Sessions Judge, Sivagangai.
2. The Principal District Judge, Ramanathapuram
- 3.The Inspector of Police,
Thiruppuvanam Police Station, Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

Crl. R.C. (MD)No.869 of 2021
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