



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE R.THARANI

Crl.R.C. (MD)No.916 of 2021

Thilagaraj

... Petitioner/Petitioner

Accused cum Owner of the Vehicle

Vs.

The State rep. by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.

(In Crime No.407 of 2021)

... Respondent/Respondent/Complainant

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 Cr.P.C., to call for the records and to set aside the order in Cr.M.P.No.4282 of 2021 on the file of the Principal Sessions Judge, Sivagangai, dated 17.11.2021 in Crime No.407 of 2021 on the file of the respondent police, consequently direct the learned Principal Sessions Judge, Sivagangai to hand over the interim custody to the vehicle bearing Registration No.TN-63 BD-4574 to the petitioner.

For Petitioner : Mr.K.Guhan

For Respondent : Mrs.A.Asha,

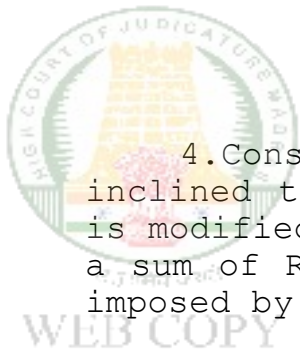
Government Advocate(Crl.side)

ORDER

A Vehicle bearing registration No. TN-63 BD-4574 was seized by the respondent police in connection with a case in Cr.No.407 of 2021 for the offence punishable under Section 379 IPC and Section 21(1) of the Mines and Minerals (Development and Regulation)Act, 1957. The petitioner, who claims himself as a owner of the said vehicle, has filed a petition before the learned Principal Sessions Judge, Sivagangai in Cr.M.P.No.4282 of 2021 seeking return of the above said vehicle and the same was allowed on certain conditions. Against the condition No.2, the petitioner has approached this Court.

2.On the side of the petitioner it is stated that the vehicle was purchased for a sum of Rs.5 Lakhs in the year 2019 and now the value is only Rs.1,50,000/-. Hence, the condition to deposit Rs.75,000/- for return of the vehicle is onerous.

3.On the side of the respondent it is stated that the vehicle was seized by the respondent police with half unit of river sand. The petitioner herein is arrayed as first accused in this case and the vehicle involved in this case is a maxi truck. The cost of the said vehicle is Rs.6 Lakhs and the value of the vehicle is Rs.5 Lakhs. Hence, the conditions imposed by the Court below is reasonable one.



4.Considering the submission made by both sides, this Court is inclined to modify the condition. Accordingly, the condition No.2 is modified to the effect that the petitioner is directed to deposit a sum of Rs.40,000/- before the trial Court. All other conditions imposed by the Trial Court shall remain unaltered.

5.With the above modification and observation, this criminal revision petition is partly allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gns

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,
Sivagangai
- 2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:-

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.K.GUHAN, Advocate (SR-38285[F] dated 13/12/2021)

CrI.R.C.(MD)No.916 of 2021

10.12.2021

NSN(CO)

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