



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

Criminal Revision Case No.130 of 2022

Sekar @ Rajasekar

... Petitioner/Owner of the Vehicle/
Accused-1

Versus

The State,
Rep.by The Sub-Inspector of Police,
Thalaivasal Police Station,
Salem District.

... Respondent/Complainant

Criminal Revision Case filed under Sections 397 and 401 of Criminal Procedure Code, to set aside the order dated 17.12.2021 passed by the Learned Judicial Magistrate No.II, Attur in C.M.P.No.3121 of 2021 in Crime No.342 of 2021.

For Petitioner :M/s.L.Mouli

For Respondent :Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

O R D E R

1.This Revision is preferred against an order in C.M.P.No.3121 of 2021 in Crime No.342 of 2021 dated 17.12.2021 by the learned Judicial Magistrate No.II, Attur, rejecting the petitioner's plea for return of vehicle.

2. The present Revision Case is filed, challenging the order of the learned Magistrate for return of a Tractor with Trailer bearing Registration No.TN-32-R-6955, which is involved in an offence in Crime No.342 of 2021. The allegation is that the vehicle is involved in theft of River Sand.

3.The Revision petitioner moved an application before the learned Judicial Magistrate No.II, Attur and the same was dismissed on 17.12.2021 in C.M.P.No.3121 of 2021 in Crime No.342 of 2021. In his order, rejecting the prayer for interim custody,



the learned Judicial Magistrate No.II, Attur, has indicated that application under Section 451 Cr.P.C., ought to have been filed before the learned Principal District Court, Salem.

4. Heard both sides.

5. The learned counsel for the petitioner submitted that even in terms of First Information Report lodged, theft of sand is made in a private property in Survey No.1/5 of Navakurichi Village in Patta No.97.

6. After hearing both sides, this Court chooses to allow this petition and accordingly directs the learned Judicial Magistrate No.II, Attur to return the Tractor with Trailer bearing Registration No.TN-32-R-6955, to the petitioner, on the following conditions:-

(i) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Judicial Magistrate No.II, Attur on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

(ii) The petitioner shall not alter or alienate the vehicle in any manner till confiscation proceedings is over;

(iii) The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent or the Court below as well as by the District Collector of the District or authorized officer in that behalf by the Government;

(iv) The petitioner shall participate in the confiscation proceedings, if any initiated, and shall produce the vehicle, before the confiscation authority. This order is subjected to the confiscation proceedings.

7. With the above directions, the Criminal Revision Case is allowed by setting aside the order dated 17.12.2021 passed in C.M.P.No.3121 of 2021 in Crime No.342 of 2021 by the learned Judicial Magistrate No.II, Attur.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



WEB COPY

1.The Judicial Magistrate No.II,
Attur.

2.The Sub-Inspector of Police,
Thalaivasal Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

4.The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to M/s.L.Mouli, Advocate Sr.8300

Cr1.R.C.No.130 of 2022

ak[co]
srg 23/02/2022