

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM : JUSTICE N.SESHASAYEE

Criminal Revision Case No.67 of 2022

T.Murali
S/o Thimmarayan,
No.5135, Chettipatti Village,
Panjapalli Post,
Palakodu Taluk,
Dharmapuri District.

... Petitioner

Versus

The State,
Represented by
Inspector of Police
Panjapalli Police Station,
Dharmapuri.
(Crime No. 39/2018)

... Respondent

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 15.12.2021 in Cr.MP.No.2125/2021 on the file of the Principal Sessions Judge, Dharmapuri and release the Petitioner's Vehicle bearing its Registration No.TN-48-Y-2199 seized by the Respondent in connection with the Crime No.39/2018.

For Petitioner : Mr.A.Sathasivam
for Prabhakaran

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

O R D E R

This Revision is preferred against an order in CrI.M.P.No.2125 of 2021 dated 15.12.2021 by the learned Principal Sessions Judge, Dharmapuri rejecting the petitioner's plea for return of

vehicle under 451 and 457 Cr.P.C. The vehicle involved is a Mahindra & Mahindra Pick up Bolero Camper 128 SC XL bearing no. TN 48 Y 2199. This private petition is filed for return of Vehicle bearing No.TN 48 Y 2199.

2.The learned counsel for the petitioner submitted that the petitioner is the driver cum owner of Bolero Camper 128 SC XL vehicle bearing Registration No.TN 48 Y 2199 and the said vehicle is ceased by the police on the allegation that it was used for carrying one unit of illicitly quarried river sand. The petitioner has moved the trial Court for return of the aforesaid vehicle, but it was dismissed by the learned Principal Sessions Judge.

3.Mr.Leonard Arul Joseph Selvam learned Government Advocate (Crl.Side) submitted that the aforesaid vehicle was used for smuggling one unit of river sand but, fairly stated that the vehicle is not involved in any other criminal case and he also added that no confiscation proceedings has commenced.

4.After hearing both sides, this Court chooses to allow this petition and accordingly directs the learned Principal Sessions Judge, Dharmapuri to return the Mahindra & Mahindra Pick up Bolero Camper 128 SC XL bearing no. TN 48 Y 2199, 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 Principal Sessions Judge, Dharmapuri 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.

5.With the above directions, the Criminal Revision Case is allowed by setting aside the order dated 15.12.2021 passed in Cr1.M.P.No.2125 of 2021 by the learned Principal Sessions Judge, Dharmapuri.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

dk/tsg

To

1.The Principal Sessions Judge,
Dharmapuri.

2.Inspector of Police
Panjapalli Police Station,
Dharmapuri.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Sathasivam, Advocate SR.No.8776

Cr1.R.C.No.67 of 2022

PMK(CO)
CB(25/02/2022)