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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2022

CORAM:

THE HON'BLE MR. JUSTICE N.SESHASAYEE

CRIMINAL REVISION CASE NO.86 OF 2022

Selvi

...Petitioner

Versus

State by the Inspector of Police,
Velur Police Station,
Namakkal,
Crime No.554 of 2019

...Respondent

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 04.08.2021 made in Crl.M.P.No.944 of 2021 on the file of the Principal Session Judge, Namakkal and consequently, direct the respondent to return the vehicle namely, Tipper Lorry bearing Regn.No.TN 47 S 1747 to the petitioner forthwith.

For Petitioner	:	Mr.L.P.Shanmugasundaram
For Respondents	:	Leonard Arul Joseph Selvam Criminal Side

O R D E R

The petitioner is the owner of a timber lorry bearing Regn.No.TN 47 S 1747 which was seized by the authorities in Crime No.602 of 2019 by the respondent police for offenses under Section 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act 1957. On 27.01.2020, the learned Sessions Judge gave the petitioner interim custody of the said vehicle Vide his order in Crl.M.P.No.2044 of 2019 on certain conditions. One of the conditions imposed by him is that the petitioner should surrender the original RC book of the vehicle concerned before the Court.

2.Subsequently, the petitioner has applied before the Sessions Judge for obtaining the RC book for renewing the fitness certificate for the vehicle before the concerned RTO. Since the RC book was not returned in time, the Sessions Court Vide order dated 04.08.2021 in Crl.M.P.No.944 of 2021 has revoked the order of interim injunction granted earlier.



3.Pursuant to this order, the Authorities have seized the vehicle again.

4.Heard both sides.

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5.The learned counsel for the revision petitioner submitted that the Fitness Certificate was obtained by the petitioner only on 29.07.2021 and within about four days the learned Session Judge had revoked the order granting interim custody of the vehicle to the petitioner in Crl.M.P.No.944 of 2021 Vide order dated 04.08.2021. The learned counsel further submitted that the petitioner is ready to surrender the RC book.

6.Taking into consideration the statement made, this Court chooses to allow this petition and accordingly directs the learned Principal Sessions Judge, Namakkal to return the Tipper Lorry bearing Regn.No.TN 47 S 1747 , to the petitioner, on the following conditions:-

(i) The petitioner shall surrender the RC book in terms of condition imposed by the learned Principal Sessions Judge in his order dated 27.01.2020 in Crl.M.P.No.2044 of 2019 within a period of two weeks from the date of receipt of a copy of this order ; ;

(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 04.08.2021 passed in Crl.M.P.No.944 of 2021 by the learned Principal Sessions Judge, Namakkal.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Tsg



To

1. The Principal Sessions Judge,
Namakkal.

2. The Inspector of Police,
Velur Police Station,
Namakkal.

3. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.86 of 2022

SPD (CO)
KKV/11/02/2022