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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SESHASAYEE

CRIMINAL REVISION CASE NO.100 OF 2022

Anandapandi @ Pandian

... Petitioner/A2

Versus

The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District
Crime No.626 of 2021

... Respondent

Criminal Revision Case filed under Sections 397 and 401 of Criminal Procedure Code, to call for the records and set aside the order dated 23.12.2021 passed by the learned Principal District and Sessions Judge, Nagapattinam in CrI.M.P.No.4134 of 2021 in Crime No.626 of 2021 and to return the Mahindra Yuvo 475D1 Tractor with Tipper bearing Registration No.TN-51-AH-3027, Chasis No.MBNSFATBBGNJ00336 and Engine No.NGJ4SAE0037 to the custody of the petitioner.

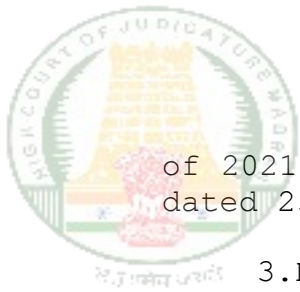
For Petitioner : Mr.N.Palanivel

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

O R D E R

The Revision Petitioner herein is the owner of the vehicle viz Tractor attached with Tipper bearing Registration No.TN-51-AH-3027 and has been arrayed as accused in Crime No.626 of 2021 of the respondent police and has been accused of the offences under Section 379 IPC and Section 21(1) of Mines and Minerals Act, 1957. The offence is that this vehicle was involved in the transportation of illegal sand mining.

2.The aforesaid vehicle of the revision petitioner was taken into custody by the respondent Police, for return of which, the revision petitioner had moved the trial Court in CrI.M.P.No.4134



of 2021 which came to be dismissed by the trial Court Vide order dated 23.12.2021.

3.Heard, both sides.

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4. Mr.Leonard Arul Joseph Selvam, learned Government Advocate (Crl.Side) submitted that the vehicle was not involved in any such offence earlier and also added that the confiscation proceedings has not yet been commenced.

5.After hearing both sides, this Court chooses to allow this petition and accordingly directs the learned Principal District and Sessions Judge, Nagapattinam to return the Tractor attached with Tipper bearing Registration No.TN-51-AH-3027, 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 Principal District and Sessions Judge, Nagapattinam 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.

6.With the above directions, the Criminal Revision Case is allowed by setting aside the order dated 23.12.2021 passed in Crl.M.P.No.4134 of 2021 by the learned Principal District and Sessions Judge, Nagapattinam.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

msv



To

1. The Principal District and Sessions Judge,
Nagapattinam
2. The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District
3. The Public Prosecutor,
High Court, Madras.
4. The District Collector,
Nagapattinam.

+1cc to Mr.N.Palanivel, Advocate, S.R.No.9435

Criminal Revision Case No.100 of 2022

NRL(CO)
RLP(02/03/2022)