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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

CORAM : JUSTICE N.SESHASAYEE

CRIMINAL REVISION CASE NO.97 OF 2022

Manokaran

... Petitioner

Versus

The State Rep. by
The Inspector of Police,
Kilverlur, Nagapattinam.
Crime No.977 of 2021.

... Respondent

PRAYER:-

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, to call for the records relating to order dated 18.11.2021 passed in Crl.M.P.No.3652 of 2021 in Crime No.977 of 2021 on the file of the Court of the District and Sessions Judge, Nagapattinam and to set aside the same and further direct the respondent to release the vehicle Ashok Leyland Lorry bearing Registration No.TN51 E 7696.

For Petitioner : Mr.B.Balamurugan

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

ORDER

This Revision is preferred against an order passed in Crl.M.P.No.3652 of 2021 dated 18.11.2021 by the learned District and Sessions Judge, Nagapattinam rejecting the petitioner's plea for return of vehicle under 451 and 457 Cr.P.C. The vehicle involved is a Ashok Leyland Lorry bearing Registration No.TN 51 E 7696. The offence is that this vehicle was involved in illegal sand mining of 1.5 units of river sand.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and that he is no way connected with the alleged offence and that he has been falsely implicated in the case in Crime No.977/2021 on the file of the respondent-police.



3. Mr. Leonard Arul Joseph Selvam, learned Government Advocate (Crl.Side) submitted that no confiscation proceedings have been initiated and that there is no previous case pending against the petitioner.

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4. After hearing both sides, this Court chooses to allow this petition and accordingly directs the learned District and Sessions Judge, Nagapattinam to return the Ashok Leyland Lorry bearing Regn.No.TN51 E 7696 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 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.

5. With the above directions, the Criminal Revision Case is allowed and the order dated 18.11.2021 passed in Crl.M.P.No.3652 of 2021 by the learned Principal District and Sessions Judge, Nagapattinam, is set aside.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ds



To

1. The District and Sessions Judge,
Nagapattinam.
2. The Inspector of Police,
Kilverlur,
Nagapattinam.
3. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.B.Balamurugan, Advocate, S.R.No.11192

CRL.R.C.NO.97 OF 2022

PMK (CO)
PBS/09/03/2022