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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

Criminal Revision Case No.99 of 2022

Sivarajan
S/o.Paramasivam

... Petitioner

Versus

State rep. by
Inspector of Police,
Vettaikkaraniruppu Police Station,
Nagapattinam.
(Crime No.508 of 2021)

... Respondent

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order passed by the Learned Principal District and Sessions Judge, Nagapattinam in Cr.M.P.No.4073 of 2021 dated 21.12.2021 and allow the Criminal Revision Petition.

For Petitioner : Mr.S.Parthasarathy

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

O R D E R

This Revision is preferred against an order passed in CrI.M.P.No.4073 of 2021 dated 21.12.2021 by the learned Principal 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 TATA Hitachi. The offence is that this vehicle was involved in illegal sand mining.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and that he is in no way connected with the alleged offence.

3.Mr.C.A.J.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.



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 TATA Hitachi, to the petitioner, on the following conditions:-

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(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 by setting aside the order dated 21.12.2021 passed in CrI.M.P.No.4073 of 2021 by the learned Principal District and Sessions Judge, Nagapattinam.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Tsg

To

1. The Principal District and Sessions Judge, Nagapattinam.

2. The Inspector of Police,
Vettaikkaraniruppu Police Station, Nagapattinam.

3. The Public Prosecutor, High Court, Madras.

+1cc to M/s.S.Parthasarathy, Advocate SR. No.10123

CrI.R.C.No.99 of 2022

CP (CO)

PR (07/03/2022)