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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

Criminal Revision Case No.137 of 2022

Thoppi Senthil @ Senthil kumar ...Petitioner/Petitioner

Versus

The State,
Rep. by the Inspector of Police,
Poraiyar Police Station,
Mayiladuthurai District,
Crime No.593 / 2021

...Respondent/Respondent

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 23.10.2021 passed by the Hon'ble District and Sessions Judge, Nagapattinam in Cr.M.P.No.3219/2021 by allowing the above Revision Petition.

For Petitioner :Mr.T.Ananthasekar

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

O R D E R

This Revision is preferred against an order in Cr.M.P.No.3219 of 2021 dated 23.10.2021 by the learned District and Sessions Judge, Nagapattinam, rejecting the petitioner's plea for return of vehicle.

2. The petitioner is arrayed as an accused in Crime No.593/2021. The petitioner's two tractors cum Trailer bearing Registration No.TN-51-M-4079 and TN-31-BW-1876 and the same was purchased by one Mr.R.Babu. The learned counsel for the petitioner submitted that before the petitioner could transfer the vehicle in his name, the respondent Police registered a false case against him in Crime No.593 of 2021 under Section 379 IPC and 21 (1) of Mines and Minerals (Develop and Regulation) Act and seized his vehicle bearing Registration No.TN-51-M-4079. The offence is that this vehicle was involved in transportation of illegal sand mining.



3.The Revision petitioner moved an application before the learned District and Sessions Judge, Nagapattinam and the same was dismissed on 23.10.2021 in Cr.M.P.No.3219 of 2021.

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4.Mr.Leonard Arul Joseph Selvam, learned Government Advocate (Crl.Side) submitted that there is no previous case against the petitioner.

5.After hearing both sides, this Court chooses to allow this petition and accordingly directs the learned District and Sessions Judge, Nagapattinam to return the Tractor attached with Tipper bearing Reg.No.TN 51 M 4079, 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.

6.With the above directions, the Criminal Revision Case is allowed by setting aside the order dated 23.10.2021 passed in Cr.M.P.No.3219/2021 by the learned District and Sessions Judge, Nagapattinam.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar



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To

1.The District and Sessions Judge,
Nagapattinam.

2.The Inspector of Police,
Poraiyar Police Station,
Mayiladuthurai District.

3.The Public Prosecutor,
High Court, Madras.

4. The Section Officer
VR Section
High Court, Madras 104.

+1 CC to Mr.T.Ananthasekar, Advocate sr 8429.

Cr1.R.C.No.137 of 2022

AK(CO)
SP(23/02/2022)