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IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED: 25.02.2022

THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

Crl.R.C.No.233 of 2022

C.AjithKumar

...Petitioner

Vs.

The State rep. By  
The Inspector of Police,  
Sholavaram Police Station,  
Tiruvallur.

...Respondent

PRAYER:Criminal Revision Petition filed under Sections 397 & 401 of Criminal Procedure Code, to set aside the order dated 12.08.2021 in Crl.M.P.No.3431 of 2021 on the file of Judicial Magistrate No.II of Ponneri.

For Petitioner : Mr.A.Nirmal Kumar

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

ORDER

The Revision Petitioner herein is the owner of the vehicle viz Pulsar Motorcycle bearing Registration No.TN-13 P 5905 and has been arrayed as accused in Crime No.760 of 2021 of the respondent police and has been accused of the offences under 4(1)(a), 4(1-A) of TNP Act. 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 Crl.M.P.No.3431 of 2021 which came to be dismissed by the trial Court Vide order dated 12.08.2021

3.Heard, both sides.

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 Judicial Magistrate No.II, Ponneri to return the motorcycle bearing Registration No.TN-13 P 5905, 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 Judicial Magistrate No.II, Ponneri 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 12.08.2021 passed in CrI.M.P.No.3431 of 2021 by the learned Judicial Magistrate No.II, Ponneri.

s/d-  
Assistant Registrar

True Copy

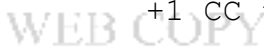
Sub-Assistant Registrar

msv/nr

To

1. The Judicial Magistrate No.II, Ponneri

2. The The Inspector of Police,  
Sholavaram Police Station,  
Tiruvallur.



+1 CC to Mr.A.Nirmal Kumar, Advocate sr 12900.

SVI (CO)  
SP (11/03/2022)