



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

Criminal Revision Case No.188 of 2022

Sivakumar

S/o.Kaliyannan,

... Petitioner

Versus

The State rep. by

The Sub Inspector of Police,

Sathyamangalam Police Station,

(Crime No.622 of 2021)

... Respondent

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the impugned order dated 07.01.2022 passed by the Judicial Magistrate Sathyamangalam in C.M.P.No.2184 of 2021 and consequently direct the respondent to return the Two Wheeler Vehicle bearing No.TN-36-AQ-2083 (TVSXL 100CC), Engine Number DP1FH1602980, Chassis Number MD621DP19H1F76361 in Crime No.622 of 2021 to the petitioner.

For Petitioner : M/S.R.Thirumoorthy

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 C.M.P.No.2184 of 2021 dated 07.01.2022 by the Judicial Magistrate Sathyamangalam, rejecting the petitioner's plea for return of vehicle under 451 and 457 Cr.P.C. The vehicle involved is a Two Wheeler Vehicle bearing Registration No.TN-36-AQ-2083 (TVSXL 100CC). 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 no way connected with the alleged offence.

3.Mr.L.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 Judicial Magistrate, Sathyamangalam to return the Two Wheeler Vehicle bearing Registration No.TN-36-AQ-2083 (TVSXL 100CC), 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 Judicial Magistrate, Sathyamangalam 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 07.01.2022 passed in C.M.P.No.2184 of 2021 by the learned Judicial Magistrate, Sathyamangalam.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Tsg/dk
To

1. The Judicial Magistrate,
Sathyamangalam.
2. The Sub Inspector of Police Station,
Sathyamangalam Police Station.
3. The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.188 of 2022

PMK(CO)
CT 09/03/2022