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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.229 of 2022

Manimegalai

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Kariyapattinam Police Station,
Nagapattinam District.
(Cr.No.642 of 2020)

....Respondent

PRAYER: Criminal Revision filed under Sections 397 & 401 of Criminal Procedure Code, to set aside the Order passed in Crl.M.P.No.260 of 2022 dated 02.02.2022 on the file of the learned Principle District and Session Judge, Nagapattinam and further direct the respondents to return the petitioner's Tractor bearing Register No.TN-50 AW-6378 seized in Crime No.642 of 2020 on the file of Respondent police.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

ORDER

The Revision Petitioner herein is the owner of the vehicle viz Tractor bearing Registration No.TN-50 AW-6378 and has been arrayed as accused in Crime No.642 of 2020 on the file of the respondent police and has been accused of the offences under Section 379 IPC and Section 21(1) of Mines and Minerals Act, 1957. 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.260 of 2022 which came to be dismissed by the trial Court Vide order dated 02.02.2022.



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 Principal District and Sessions Judge, Nagapattinam to return the Tractor bearing Registration No.TN-50 AW-6378, 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 Principal 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 02.02.2022 passed in Crl.M.P.No.260 of 2022 by the learned Principal District and Sessions Judge, Nagapattinam.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

msv/nr



To

1. The Principle District and Session Judge,
Nagapattinam.

2. The Inspector of Police,
Kariyapattinam Police Station,
Nagapattinam District.

3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.P.Muthamizh Selvakumar, Advocate SR.No.12918

Cr1.R.C.No.229 of 2022

AD(CO)
GN(14/03/2022)