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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

Criminal Revision Case No.211 of 2022

Murugaiyan
S/o.Muniyappan

... Petitioner/Accused

Versus

Inspector of Police,
Kariyapattinam Police Station,
Nagapattinam District.
(Crime No.582 of 2021)

... Respondent/Respondent

Criminal Revision Case filed under Sections 397 and 401 of Criminal Procedure Code to call for the records and set aside the order dated 07.12.2021 passed by the learned Principal District and Sessions Judge Nagapattinam in Crl.M.P.No.3886 of 2021 in Crime No.582 of 2021 and to return the Mahindra Tractor with Tipper bearing Registration No.TN-51-AK-9019, Chasis No.MBNADAJXAHNJ01789 and Engine NO.NHJ2KBJ0223 to the custody of the petitioner.

For Petitioner : Mr.N.Palanivel
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 Crl.M.P.No.3886 of 2021 dated 07.12.2021 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 Mahindra Tractor with Tipper bearing Registration No.TN-51-AK-9019, Chasis No.MBNADAJXAHNJ01789 and Engine NO.NHJ2KBJ0223. 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 Principal District and Sessions Judge, Nagapattinam to return the Mahindra Tractor with Tipper bearing Registration No. TN-51-AK-9019, Chassis No. MBNADAJXAHNJ01789 and Engine NO. NHJ2KBJ0223., 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 learned 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.

5. With the above directions, the Criminal Revision Case is allowed by setting aside the order dated 07.12.2021 passed in CrI.M.P.No.3886 of 2021 by the learned Principal District and Sessions Judge, Nagapattinam.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Tsg/dk

To

1. The learned Principal District and Sessions Judge,
Nagapattinam.

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



3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Palanivel, Advocate, S.R.No.11757

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Cr1.R.C.No.211 of 2022

AK(CO)
GN(01/03/2022)