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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

Criminal Revision Case No.218 of 2022

Vereramani
S/o.Pattappan

... Petitioner/ Petitioner

Versus

State rep. By its
The Inspector of Police,
Indoor Police Station,
Dharmapuri District.
(Crime No.348 of 2021

... Respondent/Respondent

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, call for the records pertaining to the Order dated 04/02/2022 passed by the Principal Sessions Judge, Dharmapuri in Cr.M.P.No.150 of 2022 and set aside the same and consequently direct the respondent to produce the vehicle JCB vehicle bearing Reg.No.TN 29 BE 8710 to the Court.

For Petitioner : Mr.T.S.Ganesan

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.150 of 2022 dated 04.02.2021 by the learned Principal Sessions Judge, Dharmapuri rejecting the petitioner's petition for return of vehicle under Section 457 Cr.P.C. The vehicle involved is a JCB Vehicle bearing Reg.No.TN 29 BE 8710. The offence is that this vehicle was involved in illegal transportation of gravel sand.

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.C.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 Sessions Judge, Dharmapuri to return the JCB Vehicle bearing Reg.No.TN 29 BE 8710, 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 Principal Sessions Judge, Dharmapuri 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 04.02.2022 passed in Crl.M.P.No.150 of 2022 by the learned Principal Sessions Judge, Dharmapuri.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

nvsri/dk



To

1.The Principal Sessions Judge,
Dharmapuri.

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2.The Inspector of Police,
Indoor Police Station,
Dharmapuri.

3.The Public Prosecutor,
High Court, Madras.

Cr1.R.C.No.218 of 2022

SJ(CO)
GMY(10/03/2022)