

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.280 of 2022

Venkataraman

...Petitioner

Versus

State rep. by
The Inspector of Police,
Voimedu P.S.,
Nagapattinam District.
(Crime No.464 of 2021)

...Respondent

Prayer : Criminal Revision Case filed under Section 397 and 401 Cr.P.C, to set aside the order, dated 01.02.2022 passed in Crl.M.P.No.189 of 2022 on the file of the Principal District and Sessions Court, Nagapattinam and return of the vehicle, bearing registration No.TN-50-AT-1660 Tipper Lorry from the respondent Police in Crime No.464 of 2021.

For Petitioner : M/s.M.Santhanamari

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

O R D E R

This Revision Petition is filed aggrieved by the order of the learned Sessions Judge, Nagapattinam, dated 01.02.2022 in Crl.M.P.No.189 of 2022 in and by which the prayer of the petitioner for interim custody of the vehicle, namely Tipper Lorry, bearing registration No.TN 50 AT 1660, was refused. Considering the fact that the vehicle was involved in an illegal transportation of Savudu sand and there is likelihood of the petitioner involved in the similar offence, the prayer was rejected.

2. The learned Counsel appearing on behalf of the petitioner would submit that on the mere apprehension, the prayer is rejected.

3. The learned Government Advocate (Crl. Side) would submit that the vehicle is involved in an offence under Section 379 of

I.P.C and Sec.21 (1) of Mines and Minerals (Development and Regulation) Act, 1957 and therefore, the Trial Court has rightly rejected the prayer.

4. I am of the view that for the mere apprehension of the vehicle in the repeated offence, the vehicle cannot be allowed to rot and kept wasted and the said apprehension can be overcome by imposing appropriate conditions and therefore, the petitioner is entitled to return of the vehicle on the following terms:-

(i) The order of the learned Principal District and Sessions Court, Nagapattinam in Crl.M.P.No.189 of 2022, dated 01.02.2022, is set aside;

(ii) The petitioner will be entitled for return of the Tipper Lorry, bearing registration No.TN 50 AT 1660, having Chassis No.MB1HTLHD5KPJG3566, Engine No.JWPZ154230.

(iii) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Judge, 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;

(iv) The petitioner shall not alter or alienate the vehicle in any manner till adjudication is over;

(v) 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 and by the court below and as well as by the District Collector of the District or authorized officer in that behalf by the Government.

(vi) 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.

(vii) The petitioner shall not indulge in the similar offence either by using the present vehicle or any other vehicle. If the petitioner is found to be involved in any of similar offence in future either by way using the present vehicle or through any other vehicle, this order of returning the present vehicle (Tipper Lorry, bearing registration No.TN 50 AT 1660, having Chassis No.MB1HTLHD5KPJG3566, Engine No.JWPZ154230), shall stand automatically vacated, and this vehicle will be again seized by the respondent/police and produce before the Court concerned;

5. The Criminal Revision Case is allowed accordingly.

Sd/-
Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

grs

To

- 1.The Principal District and Sessions Judge,
Nagapattinam.
- 2.The Public Prosecutor,
High Court of Madras.
- 3.The Inspector of Police,
Voimedu P.S.,
Nagapattinam District.

+1cc to M/s.M.Santhanamari, Advocate Sr.No.38866

Cr1.R.C.No.280 of 2022

PMK(CO)
RVM(11/07/2022)