



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.711 of 2022

M.Rajkumar, M/A-29 years

... Petitioner

Versus

State Represented by
The Inspector of Police,
Thirukannapuram Police Station,
Nagapattinam District.

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Code of Criminal Procedure, to set aside the order dated 08.04.2022 passed by the learned Principal District and Sessions Judge, Nagapattinam District, in Crl.M.P.No.845 of 2022, in connection with the Crime No.71 of 2022 on the file of the respondent/police.

For Petitioner : Mr.M.Rebecca

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

O R D E R

The petition filed under Section 451 & 457 of Cr.P.C., for returning of vehicle viz., EICHER Tractor attached with Tipper bearing Registration No. TN 51 AQ 7018, was dismissed by the learned Principal District and Sessions Judge, Nagapattinam District, by order dated 08.04.2022 in Crl.M.P.No.845 of 2022 against which, the present Criminal Revision.

2.The case of the petitioner is that he is the owner of the said vehicle and according to him, he is not an accused in this case, since he was engaged his vehicle in contract with one Mr.Saravanan, who got job under PMGSY for upgradation of roads. While doing this work only his vehicle was kept aside the river bank. Due to rain, the sand washed away from his working place. As per the instructions given by the contractor, the petitioner has taken the sand and there was nothing done by him with ill intention. accordingly, the vehicle was seized.

3.The learned counsel for the petitioner would submit that



the petitioner is not an accused in the case and he is a lawful owner of the vehicle and he is no way connected with the offence in Crime No.71 of 2022. The above said vehicle was purchased by his hard-earned money. Moreover, if the vehicle was kept under sun exposure and rain continuously, it will damage the efficiency of the vehicle. Therefore, he prays to allow the petition.

4.Considering the nature of the case and the reasons mentioned in the impugned order, I am of the view of that the order of the Learned Magistrate is unsustainable and the vehicle cannot be allowed to rot and go waste and the petitioner is the lawful owner and he can be entrusted with the above said vehicle subject to any appropriate conditions. Therefore, the petitioner is entitled to return of the vehicle on the following terms:-

(i) The order of the Principal District and Sessions Judge, Nagapattinam District, in Crl.M.P.No.845 of 2022, dated 08.04.2022, is set aside;

(ii) The petitioner will be entitled for return of the EICHER Tractor attached with Tipper bearing Registration No. TN 51 AQ 7018, having Chassis No.930113135940, Engine No.S325L35813, Model EICHER TRACTOR/EICHER 380;

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

(vii) 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.

(viii) 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 (EICHER Tractor attached with Tipper bearing Registration No. TN 51 AQ 7018, having Chassis No.930113135940, Engine No.S325L35813, Model EICHER TRACTOR/EICHER 380), shall stand automatically vacated, and this vehicle will be again seized by the respondent/police and produce before the Court concerned.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

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

+1cc to M/s.M.Rebecca, Advocate, S.R.No.35833

Cr1.R.C.No.711 of 2022

PMK(CO)
SB(28/06/2022)