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Crl.R.C.No.894 of 2022

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D.BHARATHA CHAKRAVARTHY, J.

Today, when the matter is listed under the caption "for being mentioned", it is represented that both the registration numbers belong to the same vehicle, one for the Tractor and another for the Tipper.

2. Therefore, "each in receipt of both vehicle" should be removed in the paragraph No.4 of the order, dated 12.07.2022 in the above Criminal Revision Case.

3. Accordingly, the above said words in the paragraph No.4 are removed.

22.08.2022

grs

Note:-

Registry is directed to issue fresh order copy.



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.894 of 2022

Sivakumar

..

Petitioner

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police
Anaikaranchatram Police Station
Mayiladuthurai District.
(Crime No.566 of 2021)

..

Respondent

Prayer: Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to set aside order passed in Crl.M.P.No.2771 of 2021 on the file of the District and Sessions Judge, Nagapattinam dated 09.08.2021 and grant interim custody of the Tractor along with the tipper bearing Reg.No.TN 75 S 9145 and TN 45 AF 8451 in favour of the petitioner.

For Petitioner : Mr.U.Kathiravan

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

ORDER

The Criminal Revision is filed by the petitioner aggrieved by the order of



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the learned District and Sessions Judge, Nagapattinam in Crl.M.P.No.2771 of 2021 dated 20.09.2021 in and by which, the prayer of the petitioner is to return the vehicles bearing Registration No. TN 75 S 9145 and TN 45 AF 8451 was rejected by the learned Judge.

2. The learned Sessions judge has rejected the prayer on the ground that this case may entitle confiscation proceedings.

3. Learned Government Advocate (Crl. Side) upon query of this Court, represents that there is no confiscation proceedings initiated till date.

4. In that view of the matter, the vehicle cannot be allowed to rot and get wasted and therefore, in view of the fact that the petitioner is alleged to have been illegally transporting river sand, a condition to deposit non-refundable cash of Rs.50,000/- each, in receipt of both vehicle, has to be imposed.

5. Therefore, I am of the view that the petitioner is to be entitled with the return of vehicle on the following conditions:

(i) The order of the learned District and Sessions Judge, Nagapattinam, in



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Crl.M.P.No.2771 of 2021 dated 20.09.2021, is set aside.

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(ii) The petitioner will be entitled for return of the Tractor with tipper bearing Registration No. TN 75 S 9145 and TN 45 AF 8451.

(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



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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, shall stand automatically vacated, and this vehicle will be again seized by the respondent/police and produce before the Court concerned;

(viii) The petitioner shall also deposit a sum of Rs.50,000/- to the credit of Mining Funds of the District Collector. It is made clear that the deposit is non-refundable.

6. The Criminal Revision Case is allowed accordingly.

12.07.2022

Index : yes/no
Speaking/Non-speaking order
drm



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To

1. The Inspector of Police
Anaikaranchatram Police Station
Mayiladuthurai District.
(Crime No.566 of 2021).
2. The District and Sessions Judge, Nagapattinam.
3. The Public Prosecutor, High Court of Madras.



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12.07.2022