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Crl.R.C.No.790 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.790 of 2022

Balu

... Petitioner

Vs.

State by
Inspector of Police,
Brammadesam Police Station,
Villupuram District.
Crime No.95 of 2022

... Respondent

Prayer: Criminal Revision Case filed under Section 397 read with 401 Cr.P.C, to call for the records of the learned Judicial Magistrate No.II, Tindivanam and set aside the order dated 10.06.2022 in Cr.M.P.No.850 of 2022 and order return of the Vehicle, Tipper Lorry bearing Regn.No.TN69 AE 9459, Engine No.6DBM10600, Chasis No.MBKMC5AK8CN009319 concerned in Crime No.95 of 2022, on the file of the respondent to the custody of the petitioner herein.

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

ORDER

The petitioner is the owner of the Tipper Lorry, vehicle bearing
Registration No.TN69-AE-9459, having Chassis No.
MBKMC5AK8CN009319, Engine No.6DBM10600. The said vehicle was



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seized by the respondent police, for transporting 32640 kgs of Jelly Stones including vehicle without permission from the Government, for which, a case in Crime No.95 of 2022 was registered and the said vehicle was kept in custody of the respondent.

2.The petitioner approached the learned Judicial Magistrate - II, Tindivanam, by way of a Cr.MP.No.850 of 2022 under Section 451 of the Code of Criminal Procedure for return of the abovesaid vehicle to him pending investigation and trial. The learned Magistrate refused by an order dated 10.06.2022, as against which, the present revision is filed.

3. Heard both sides.

4.I have considered the rival submissions made on behalf of both sides and perused the material records in this case.

5.Taking into consideration of the facts and circumstances of this case, I am of the view that the vehicle ought to be returned to the petitioner, who's admittedly the lawful owner.



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6.The Criminal Revision is therefore, allowed on the following

terms:-

(i) The order of the learned Judicial Magistrate No.II, Tindivanam, in Cr.M.P.No.850 of 2022, dated 10.06.2022 is set aside.

(ii) The petitioner will be entitled for return of the vehicle, Tipper Lorry bearing Registration No.TN 69 – AE - 9459, having Chassis No.MBKMC5AK8CN009319, Engine No.6DBM10600.

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



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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, vehicle bearing Registration No.TN 69- AE- 9459, having Chassis No.MBKMC5AK8CN009319, Engine No.6DBM10600, shall stand automatically vacated, and this vehicle will be again seized by the respondent/police and produce before the Court concerned.

27.06.2022

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Index : Yes/No

Internet: Yes/No

Speaking/Non-speaking order



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To

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- 1.The Judicial Magistrate No.II, Tindivanam.
- 2.The Public Prosecutor, High Court of Madras.
- 3.The Inspector of Police,
Brammadesam Police Station,
Villupuram District.



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D.BHARATHA CHAKRAVARTHY, J.

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