

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Cr1.R.C.No.883 of 2022

Aandiyappan

...Petitioner

Vs.

State Represented by
Sub Inspector of Police,
Karuppur Police Station,
Salem District.
(Crime No.288 of 2021)

...Respondent

Prayer : Criminal Revision Case filed under Section 397(1) read with 401 Cr.P.C, to set aside the order dated 12.04.2022 passed by the Principal Sessions Judge, Salem in C.M.P.No.433 of 2022 in Crime No.288 of 2021.

For Petitioner : Mr.L.Mouli

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Cr1.Side)

O R D E R

This revision is filed aggrieved by the order of the learned Principal Sessions Judge, Salem, dated 12.04.2022, in C.M.P.No.433 of 2022, in and by which, the prayer seeking the interim custody of the vehicle, namely, Swaraj Mazda Tipper Lorry, bearing Registration No.TN20-V-3283 is rejected by the learned Principal Sessions Judge, Salem.

2. The petitioner is the owner of the vehicle Swaraj Mazda Tipper Lorry, bearing Registration No.TN20-V-3283, having Chassis No. SKZGL4GM0055329, Engine No.SLCKS48145. The said vehicle was seized by the respondent police, for transporting granite stones including vehicle without permission from the Government, for which, a case in Crime No.288 of 2021 was registered and the said vehicle was kept in custody of the respondent.

3.The petitioner approached the learned Principal Sessions Judge, Salem, by way of a C.M.P.No.433 of 2022 under Section 451

of the Code of Criminal Procedure for return of the abovesaid vehicle to him pending investigation and trial. The prayer of the petitioner was rejected on the ground that there was a discrepancy in the address mentioned in the petition and the RC Book.

4.The learned counsel for the petitioner would submit that there is a change in address and the Aadhar Card of the petitioner is also produced in respect of the same.

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

6.Considering the fact that the petitioner is the lawful owner of the vehicle and considering the fact that the vehicle cannot be allowed to rot and kept wasted, I am of the view that the petitioner is entitled to return of the vehicle.

7.The Criminal Revision is therefore, allowed on the following terms:-

(i) The order of the learned Principal Sessions Judge, Salem, in C.M.P.No.433 of 2022 dated 12.04.2022 is set aside.

(ii) The petitioner will be entitled for return of the vehicle, Swaraj Mazda Tipper Lorry, bearing Registration No.TN20-V-3283, having Chassis No. SKZGL4GM0055329, Engine No.SLCKS48145.

(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 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 Swaraj Mazda Tipper Lorry, bearing

Registration No.TN20-V-3283, having Chassis No. SKZGL4GM0055329, Engine No.SLCKS48145, 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-VIII)

// True Copy //

Sub Assistant Registrar

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To

1.The Principal Sessions Judge,
Salem.

2.The Sub Inspector of Police,
Karuppur Police Station,
Salem District.
(Crime No.288 of 2021)

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.L.Mouli, Advocate Sr.No.44507

Cr1.R.C.No.883 of 2022

KK(CO)
RVM(29/07/2022)