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Crl.R.C.No.1268 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.1268 of 2022

Kanu

... Petitioner

Versus

The State represented by,
The Inspector of Police,
Anaikaranchathiram Police Station,
Mayiladuthurai District.
Crime No.247 of 2022

... Respondent

Prayer : Criminal Revision Case filed under Section 397 & 401 of the Code of Criminal Procedure, pleaded to allow the Revision Petition and set aside the order passed in Cr.M.P.No.2328 of 2022 on the file of the learned Principal District and Sessions Judge, Nagapattinam dated 16.08.2022.

For Petitioner : Mr.M.Vijaya Ragavan

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



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ORDER

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This Criminal Revision Case is filed aggrieved by the order of the learned Principal District and Sessions Judge, Nagapattinam dated 16.08.2022 in Cr.M.P.No.2328 of 2022, in and by which the prayer of the petitioner seeking interim custody of the petitioner's vehicle being Tractor with Tipper, bearing registration No.TN 82 V 8716 was refused by the learned Sessions Judge.

2. The learned Sessions Judge rejected the prayer of the petitioner on the ground that the petitioner may use the same vehicle for the similar offence.

3. It is seen that the petitioner's vehicle is involved in the offence of illegal transportation of River sand. I am of the view that on the mere apprehension, the vehicle need not be allowed to rot and get wasted and since, the petitioner being the lawful owner of the vehicle can be entitled for return of the said vehicle with appropriate conditions.



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terms:-

4. In view there of, this Criminal Revision is allowed on the following

(i) The order of the learned Principal District and Sessions Judge, Nagapattinam dated 16.08.2022 in Cr.M.P.No.2328 of 2022 is set aside.

(ii) The petitioner will be entitled for return of vehicle, bearing Registration No.TN 82 V 8716, on deposit of a sum of Rs.25,000/- to the District Mining Fund of the District Collector, Nagapattinam and the same shall be non refundable one.

(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;



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(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 (a Tractor with Tipper, bearing Registration No.TN 82 V 8716), shall stand automatically vacated, and this vehicle will be again seized by the respondent/police and produce before the Court concerned;



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(viii) The trial Court and the respondent police shall make such endeavor including taking of picture, etc, which may be necessary for trial before the trial Court;

5. Accordingly, this Criminal Revision Case stands allowed with the above observations.

01.09.2022

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Index : Yes/No

Speaking order/Non-speaking order

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To

1. The Principal District and Sessions Judge,
Nagapattinam.

2. The Inspector of Police,
Anaikaranchathiram Police Station,
Mayiladuthurai District.

3. The Public Prosecutor,
Madras High Court,
Chennai.

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D.BHARATHA CHAKRAVARTHY., J.

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