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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM:

THE HON'BLE MR. JUSTICE N.SESHASAYEE

CRIMINAL REVISION CASE NO.1001 OF 2021

Manjunath

... Petitioner

Versus

State rep. by
Sub - Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
(Crime No.750 of 2020)

... Respondent

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code, to set aside the order passed by the Honourable Judicial Magistrate No-II, Krishnagiri in CrI.M.P.No.3311 of 2021 dated 16.08.2021 and return the petitioner's vehicle bearing Registration No.TN 23 AL 2599 Engine No 01L62948092 and Chasis No. MAT 448030A7N42356 to the petitioner.

For Petitioner : Mr.S.Nambiraja

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

O R D E R

This Revision is preferred against an order passed in CrI.M.P.No.3311 of 2021 dated 16.08.2021 by the Honourable Judicial Magistrate No.II Krishnagiri rejecting the petitioner's plea for return of vehicle under sections 451 and 457 Cr.P.C. The vehicle involved is Lorry bearing No.TN 23 AL 2599. The offence is that this vehicle was involved in illegal transportation of granite stone.

2.The learned counsel for the petitioner submitted that the petitioner is the owner of the vehicle and that he is no way connected with the alleged offence.



3.Mr.C.A.J.Selvam, learned Government Advocate (Crl.Side) submitted that no confiscation proceedings have been initiated and that there is no previous case pending against the petitioner.

4.After hearing both sides, this Court chooses to allow this petition and accordingly directs the Honourable Judicial Magistrate No.II Krishnagiri to return the Lorry bearing No.TN 23 AL 2599, to the petitioner, on the following conditions:-

(i)The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the Honourable Judicial Magistrate No.II Krishnagiri 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;

(ii)The petitioner shall not alter or alienate the vehicle in any manner till confiscation proceedings is over;

(iii)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 or the Court below as well as by the District Collector of the District or authorized officer in that behalf by the Government;

(iv)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.

5.With the above directions, the Criminal Revision Case is allowed by setting aside the order dated 16.08.2021 passed in Crl.M.P.No.3311 of 2021 by the Honourable Judicial Magistrate No.II Krishnagiri.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Tsg



To

1. The Honourable Judicial Magistrate No.II
Krishnagiri,

2. Sub - Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District..

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Nambirajan, Advocate, S.R.No.9748

Cr1.R.C.No.1001 of 2021

KG (CO)
PM/09/03/2022