



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

Criminal Revision Case No.1132 of 2021

Ravi

S/o.Sembuli,

...Petitioner/Accused

Versus

State Rep. By

Sub Inspector of Police,

Thimmampettai Police Station,

Vellore District.

...Respondent/Complainant

Criminal Revision Case filed under Sections 397 r/w 401 of Criminal Procedure Code pleaded to call for the records on the file of the Learned District Munsif cum Judicial Magistrate, Vaniyambodi, Vellore District in CrI.M.P.No.3902/2021 dated 13.08.2021 and to set aside the order.

For Petitioner :Mr.E.Kannadasan

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.3902 of 2021 dated 13.08.2021 by the learned District Munsif cum Judicial Magistrate, Vaniyambodi, Vellore District rejecting the petitioner's plea for return of vehicle under 451 and 457 Cr.P.C. The vehicle involved is a Tractor bearing Registration No.TN-29-L-8940 and Trailor bearing Registration No.TN-38-AT-1172. The offence is that this vehicle was involved in illegal transport of 44 bags of jaggery (each bag containing 30 Kgs. of Jaggery) and one lorry tube containing 15 liters of I.D.Arrack.

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.



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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 learned District Munsif cum Judicial Magistrate, Vaniyambodi, to return the Tractor bearing Registration No.TN-29-L-8940 and Tractor bearing Registration No.TN-38-AT-1172, 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 learned District Munsif cum Judicial Magistrate, Vaniyambodi, Vellore District 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 13.08.2021 passed in Crl.M.P.No.3902 of 2021 by the Learned District Munsif cum Judicial Magistrate, Vaniyambodi, Vellore District.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

Tsg/dk



To

1.The District Munsif cum Judicial Magistrate,
Vaniyambodi,
Vellore District.

2. Do Thro The Chief Judicial Magistrate, Vellore

3.The Sub Inspector of Police,
Thimmampettai Police Station,
Vellore District

4.The Public Prosecutor,
High Court, Madras.

Copy to

The Section Officer
Criminal Section
High Court, Madras 104.

+1 CC to Mr.E.Kannadasan, Advocate sr 12069.

Crl.R.C.No.1132 of 2021

NRL (CO)
SP (02/03/2022)