



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1969 of 2022

Babu

... Petitioner/Petitioner

Vs.

State Rep. by
The Inspector of Police,
Pandanallur Police Station,
Thanjavur District.
(in Crime No.64 of 2020)

... Respondent/Respondent

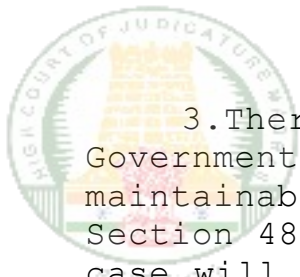
Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the order dated 11.02.2021 made in Crl.R.P.No.36 of 2020 on the file of the learned Additional District and Sessions Judge, (Fast Track Court), Kumbakonam, Thanjavur District in confirming the order, dated 14.09.2020 in Cr.M.P.No.1500 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Thiruvidaimaruthur, Thanjavur District and the same is set aside.

For Petitioner : Mr.K.M.Karunakaran
For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the respondent.

2.The petitioner's vehicle was involved in Crime No.64 of 2020 registered on the file of the Pandanallur Police Station, Thanjavur District for the offence under Section 379 of IPC. Seeking return of the same, the petitioner filed Cr.M.P.No.1500 of 2020 before the learned District Munsif cum Judicial Magistrate, Thiruvidaimaruthur, the same was dismissed on 14.09.2020. Challenging the same, the petitioner filed Crl.R.P.No.36 of 2020 before the learned Additional District and Sessions Judge (Fast Track Court), Kumbakonam. The revision petition was dismissed on 11.02.2021. Challenging the same, the present petition has been



3. There is considerable merit in the contention of the learned Government Advocate (Crl. side) that a second revision is not maintainable and that to overcome the same, a petition under Section 482 of Cr.P.C. cannot be entertained. But the facts of the case will have to be seen. It has been held by the Hon'ble Apex Court that no purpose would be served in detaining such vehicles. They will be exposed to sun and rain and they will only lose their value. Therefore, the Courts normally release the vehicle with strict terms. I was inclined to impose some costs on the petitioner herein. But then the petitioner's counsel pointed out that the vehicle was seized on 15.03.2020 and that for almost two years, the petitioner has been deprived of its use. It is for this reason that I refrain from imposing any cost and the order passed by the Court below is set aside and this petition is allowed with the following directions:

(i) The petitioner shall not alienate or encumber the vehicle in question till the proceedings are completed;

(ii) The petitioner shall produce all the documents pertaining to the ownership of the seized vehicle. If the petitioner concerned is an agreement holder and the R.C. Book is with the financier, he or she can be permitted to produce the photocopies of the relevant documents and if the vehicle is a new one, sales invoice can be produced; and

(iii) As and when the respondents call for the vehicle for enquiry, the petitioner has to produce the vehicle in question and shall co-operate with the enquiry to be conducted by the respondents.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

1. The Additional District and Sessions Judge
(Fast Track Court),
Kumbakonam, Thanjavur District.
2. The District Munsif cum Judicial Magistrate,
Thiruvidaimaruthur, Thanjavur District.
3. The Inspector of Police,
Pandanallur Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.1969 of 2022

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USK/23.02.2022/3P/5C