



Crl.A(MD)No.124 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A(MD)No.124 of 2021
and Crl.M.P.(MD).No.2052 of 2021

Thangapandi

... Appellant/PW4/Owner
of the vehicle.

Vs.

State represented by
The Inspector of Police,
Thalaiyuthu Police Station,
Cr.No.85/2018,
Tirunelveli District.

... Respondent

Prayer : This Appeal is filed under Section 453 of Cr.P.C., to call for the records from the lower Court, to partly set aside TN 72 BH 6499 is concerned in the Judgment passed by the Additional Session Judge, Tirunelveli, Tirunelveli District in S.C.No.608 of 2018, dated 10.12.2020.

For Appellant : Mr.J.Senthil Kumar

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

J U D G M E N T

This Criminal Appeal has been filed to partly set aside TN 72 BH 6499 is concerned in the Judgment passed by the Additional Session Judge,



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Tirunelveli, Tirunelveli District in S.C.No.608 of 2018, dated 10.12.2020.

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2.A Sessions case in S.C.No.608 of 2018 was tried against two persons namely Mari and Narayanasamy by framing charges under Sections 294(b), 353, 307, 506(ii) and 379 of IPC and 21(1) of Mines and Minerals (Development and Regulations) Act, before the Additional Sessions Judge, Tirunelveli, Tirunelveli District. At the conclusion of the trial, the trial Court came to the conclusion that the case of the prosecution was not proved beyond all reasonable doubt. The very occurrence itself is doubted by the trial Court. On that ground, the order of acquittal was passed on 10.12.2020. In the above said case, the property namely Tipper Lorry bearing Registration No.TN72 BH 6499, which was marked as M.O.1, was ordered to be confiscated to the State by the above said Judgment. Challenging the above said order, this appeal has been preferred on the ground that since the very occurrence itself is doubted by the trial Court, the property ought not to have been confiscated to the State.

3.Reading of the entire judgment shows that the very occurrence itself is doubted by the trial Court. So the question of confiscation does not arise. But however, the above said order has been passed by the trial Court,



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which is not legal and proper also. The respondent is also present before this Court and submitted that this petitioner is the owner of the property and he is not a party before the trial Court either as an accused or defacto complainant. It is further seen that during the pendency of the above said case, on the basis of the order passed in Crl.M.P.No.1171 of 2018 on the file of the Judicial Magistrate No.III, Tirunelveli, interim custody has been granted to the petitioner. There is no dispute with regard to the ownership of the property.

4. Therefore, the order that has been passed by the trial Court namely the Additional Sessions Court, Tirunelveli, in S.C.No.608 of 2018, dated 10.12.2020, confiscating the property of the petitioner is set aside. The property is ordered to be returned to the petitioner. The petitioner is directed to file appropriate petition before the committal Court and also produce relevant document. After completing the formalities, the property shall be returned to the petitioner by the committal Court. With the above directions, this criminal appeal is **allowed**. Consequently, the connected criminal miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
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To
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- 1.The Additional District and Sessions Judge, Tirunelveli.
- 2.The Inspector of Police, Thalaiyuthu Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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