



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C.(MD)No.315 of 2022

WEB COPY

Kannan

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District,
(In Crime No.33 of 2022)

... Respondent/Complainant

Prayer: This Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. to call for the records relating to the order in Cr.M.P. No .846 of 2022, dated 02.03.2022 on the file of the learned Principal District and Sessions Judge, Pudukkottai and thereby order interim custody of the vehicle in favour of the petitioner.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mrs.M.Aasha
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Case has been filed challenging the impugned order in Cr.M.P. No.846 of 2022, dated 02.03.2022, passed by the learned Principal District and Sessions Judge, Pudukkottai, thereby, dismissing the petition for return of property.

2.The learned Government Advocate (CrI.Side) submitted that already the petitioner has involved in similar offence in Crime No.169 of 2021. In that case, the petitioner's vehicle bearing registration No. TN-20-AP-7623 was involved and the same was produced before the concerned Magistrate. However, as per the order in CrI.M.P.No.3108 of 2021, dated 13.08.2021, it was returned in favour of the petitioner, on condition that the petitioner shall deposit a sum of Rs.60,000/- (Rupees Sixty Thousand) and execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand) with two sureties each for a likesum to the satisfaction of the concerned learned Magistrate. Further the petitioner was directed to hand over the original registration certificate of the alleged vehicle. Accordingly, the petitioner complied with the conditions and the vehicle was released on interim custody, in favour of the petitioner. Thereafter, again the petitioner was involved in the



present case, registered for the offence under Section 379 IPC and Section 21(4) of the Mines and Minerals (Development and Regulation) Act, in which, the petitioner's vehicle was seized and the petitioner was arrayed as second accused.

3. Based on the condition that the petitioner shall not indulge in similar offence, the Court below ordered for return of vehicle in favour of the petitioner. Even when the original registration certificate of the vehicle is in the Court custody, again the petitioner was involved in similar offence and therefore, the Court below rightly dismissed the petition. It is also noted that already confiscation proceedings has been initiated and notice was served to petitioner, for his appearance before the authority concerned on 31.03.2022. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Criminal Revision Case stands dismissed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 Principal District and Sessions Judge,
Pudukkottai.

2. The Inspector of Police,
Karaiyur Police Station, Pudukkottai District,

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer, Criminal (Records),
Madurai Bench of Madras High Court,
Madurai.