



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)No.333 of 2022

Karthikeyan

... Revision Petitioner/Petitioner

Vs.

The State,
Represented by,
The Inspector of Police,
Lalapet Police Station,
Karur.

(Crime No.626 of 2020). ... Respondent/Respondent

PRAYER: Criminal Revision Case filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to call for the records relating to the order passed in Crl.M.P.No.643 of 2022, dated 22.03.2022 on the file of the Principal Sessions Court, Karur, to set aside the same and to grant interim custody of the vehicle of the petitioner.

For Petitioner : Mr.V.Vishnu

For Respondent : Ms.M.Aasha
Government Advocate (Crl. Side)

ORDER

This revision has been filed challenging the order passed in Crl.M.P.No.643 of 2022, dated 22.03.2022 on the file of the Principal Sessions Court, Karur, thereby dismissed the petition for return of property.

2.The petitioner is an accused in Crime No.626 of 2020 registered for the offences under Section 379 of I.P.C and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957. In pursuant to the registration of F.I.R, the vehicle used for that offence was also seized by the respondent herein and produced before the learned Magistrate Court. In pursuant to the production of the said vehicle before the Court below, the petitioner filed a petition in Crl.M.P.No.643 of 2022 on the file of the Principal Sessions Court, Karur, for return of property under Section 451 of Cr.P.C.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent and perused the materials available on record.

4. On a perusal of the petition filed by the petitioner revealed that already the petitioner has involved in the similar type of offence registered in Crime No.404 of 2019, in which, the petitioner's vehicle was seized. Subsequently, it was released in Crl.M.P.No.1484 of 2019, dated 27.01.2020, on condition that the petitioner shall surrender the original Registration Certificate of the vehicle viz., Bolero Maxi Truck bearing Registration No.TN-68-L-3924. Accordingly, the petitioner surrendered the original Registration Certificate of the vehicle and received the same. While release of the said vehicle, one specific condition is that the petitioner shall not involve any offence by using the vehicle. Now, again the petitioner involved in similar offence in the present case registered in Crime No.626 of 2020 for the offences under Section 379 of I.P.C and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, that too, when the original Registration Certificate is in the custody of the Court below. Therefore, the Court below rightly dismissed the petition for return of property and this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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 Sessions Court,
Karur.



2.The Inspector of Police,
Lalapet Police Station,
Karur.

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

Order made in
Crl.R.C(MD)No.333 of 2022
01.04.2022

nsn(CO)
TR(11.04.2022) 3P 4C