



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**
Crl.R.C. (MD)No.386 of 2022

C.Karuppasamy

... Petitioner/ Petitioner/
Vehicle Owner/ 1st Accused

Vs.

The State represented by
The Inspector of Police,
Krishnankovil Police Station,
Virudhunagar District.
(Crime No.163 of 2021)

... Respondent/ Respondent/
Complainant

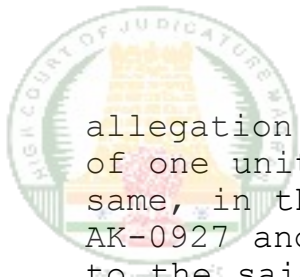
Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order refusal of return of vehicle passed in Crl.M.P.No.348 of 2022 in C.P.No.10 of 2022, dated 18.03.2022 on the file of the Principal Sessions Judge, Virudhunagar at Srivilliputtur in Crime No.163 of 2021 on the file of the first respondent police and set aside the same and direct to release the petitioner's vehicle, namely, Mahendra Swaraj Tractor bearing Registration No.TN-69-AK-0927 and Tractor bearing Registration No.TN-69-AK-0956.

For Petitioner : Mr.M.Jerin Mathew
For Respondent : Mrs.M.Aasha
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Case has been filed to set aside the order passed in Crl.M.P.No.348 of 2022 in C.P.No.10 of 2022, dated 18.03.2022 on the file of the Principal Sessions Judge, Virudhunagar at Srivilliputtur in Crime No.163 of 2021 on the file of the first respondent police and to release the petitioner's vehicle, namely, Mahendra Swaraj Tractor bearing Registration No.TN-69-AK-0927 and Tractor bearing Registration No.TN-69-AK-0956 and thereby, dismiss the petition filed for return of vehicle.

2. The petitioner is a sole accused in this case registered in Crime No.163 of 2021 for the offences under Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957, on the



allegation that the petitioner transported fencing stone to the tune of one unit without permission and trip certificate to transport the same, in the vehicle, namely, Tractor bearing Registration No.TN-69-AK-0927 and Trailor bearing Registration No.TN-AK-0956. In pursuant to the said crime, the petitioner was granted anticipatory bail and the vehicle used in this crime was seized by the respondent. The said vehicle was produced before the Principal Sessions Court, Virudhunagar in pursuant to the registration of Crime No.163 of 2021. The petitioner has filed a petition in Crl.M.P.No.348 of 2022 in C.P.No.10 of 2022, dated 18.03.2022 Principal Sessions Judge, Virudhunagar at Srivilliputtur seeking to grant custody of the Tractor bearing Registration No.TN-69-AK-0927 and Trailor bearing Registration No.TN-AK-0956. The said petition was dismissed on the ground that the petitioner failed to prove that he is the owner of the vehicle.

3. A perusal of the records revealed that the petitioner has produced the copy of sale agreement. In respect of the Tractor bearing Registration No.TN-69-AK-0927 and Trailor bearing Registration No.TN-AK-0956 and he failed to produce the Form 29 executed by original owner of the vehicle. Admittedly, the Tractor and Trailor are stands in the name of Antony Micheal Churuchill. Though the petitioner possessed the original RC Book, he failed to produce the document to show that he is the owner of the vehicle. The original owner of the vehicle had no objection.

4. However, the learned counsel for the petitioner would submit that the original owner is ready and willing to file a petition for return of property by production of original RC Book.

5. In view of the above, the original owner of the Tractor bearing Registration No.TN-69-AK-0927 and Trailor bearing Registration No.TN-AK-0956 is at liberty to file fresh petition to return of vehicle under Section 451 Cr.P.C in Crime No.163 of 2021. On receipt of application of return of vehicle the Court below is directed to pass orders on merits and in accordance with law within a period of four weeks thereafter.

6. With the above direction, this Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar (Amin I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

- 1.The Principal Sessions Judge,
Srivilliputtur,
Virudhunagar District.
- 2.The Inspector of Police,
Krishnankovil Police Station,
Virudhunagar 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.

+1 CC to M/s.M. JERIN MATHEW, Advocate (SR-20644[F] dated
22/04/2022)

Crl.R.C.(MD)No.386 of 2022
22.04.2022

MGJ(24.05.2022) 3P 7C