



Crl.R.C.(MD).No.483 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

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Shajagan

... Petitioner

Vs.

- 1.The Inspector of Police,
Valinikkam Police Station,
Ramanathapuram District.
In Crime No.18 of 2022.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.
- 3.The Assistant Director,
Geology and Mining Department,
Collectorate Complex,
Ramanathapuram District.
- 4.The Tahsildar,
Kadaladi Tahsildar Office,
Kadaladi,
Ramanathapuram District.

... Respondents

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order dated 07.04.2022 made in Crl.M.P.No.754 of 2022 passed by the learned Principal Sessions Judge, Ramanathapuram District and set aside



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the same consequently, direct the learned Principal Sessions Judge, Ramanathapuram to release the vehicle Tractor and Trailor bearing Registration No.TN 58 R 4192 to the petitioner.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed to set aside the order dated 07.04.2022 made in Crl.M.P.No.754 of 2022 passed by the learned Principal Sessions Judge, Ramanathapuram District.

2.The petitioner's application filed under Section 451 Cr.P.C. for return of vehicle has been dismissed by the trial Court on the ground that the petitioner is having five previous cases.

3.The learned Additional Public Prosecutor submitted on the earlier occasion that confiscation proceedings is going to be initiated and the petitioner is having five previous cases, out of which three cases are similar in nature. It appears that no confiscation proceedings has been initiated till date. The petitioner was directed to file an undertaking affidavit to the effect that he will not indulge in such activities.



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4.The petitioner has filed undertaking affidavit before this Court to the effect that he will not indulge in such crime in future.

5.Accordingly, this Criminal Revision Case is allowed and the order, er dated 07.04.2022 made in Crl.M.P.No.754 of 2022 passed by the learned Principal Sessions Judge, Ramanathapuram District, is hereby set aside. The vehicle is ordered to be returned to the petitioner by following proper procedure. The petitioner shall produce the original R.C.Book and undertaking affidavit to the effect that he will not alter or change the vehicle. The petitioner shall execute a bond to the satisfaction of the concerned Court to be fixed by its own discretion. If any confiscation is ordered in future the vehicle must be surrendered to the respondent.

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Index : Yes / No
Internet : Yes / No
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To

- 1.The Principal Sessions Judge, Ramanathapuram.
- 2.The Inspector of Police, Valinikkam Police Station,
Ramanathapuram District.
- 3.The Revenue Divisional Officer, Revenue Divisional Office,
Paramakudi, Ramanathapuram District.



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4.The Assistant Director, Geology and Mining Department,
Collectorate Complex, Ramanathapuram District.

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



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G.ILANGOVA,J.

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