



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2022

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

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Crl.R.C.(MD).No.481 of 2022

Chithra

... Petitioner/Petitioner/
Owner of the Vehicle

Vs.

The State Represented through
The Sub-Inspector of Police,
Nainar Kovil Police Station,
Ramanathapuram District.
(Crime No.246 of 2021)

... Respondent/Respondent

Prayer:- Criminal Revision petition is filed under Section 397 r/w 401 Cr.P.C. to set aside the impugned order dated 10.12.2021 made in Crl.M.P.No.804 of 2021 on the file of the learned Sessions Judge, Special Court for Trial under SC/ST (POA) Act, 1989, Ramanathapuram and consequently, to return the petitioner's vehicle, namely Bajaj Pulsar 150 DTS-I Two Wheeler, bearing Registration No.TN-65-BZ-4496 to the petitioner forthwith.

For Petitioner : Mr.M.S.Jeyakarthik

For Respondent : Mrs.M.Aaasha
Government Advocate (Crl.Side)

ORDER

The Criminal Revision case is filed to set aside the impugned order dated 10.12.2021 made in Crl.M.P.No.804 of 2021 on the file of the learned Sessions Judge, Special Court for Trial under SC/ST (POA) Act, 1989, Ramanathapuram, and consequently, to return the petitioner's vehicle, namely Bajaj Pulsar 150 DTS-I Two Wheeler, bearing Registration No.TN-65-BZ-4496 to the petitioner forthwith.

2.The petitioner claims to be the owner of the Bajaj Pulsar 150 DTS-I bike, bearing Registration No.TN-65-BZ-4496. On 27.09.2021, the respondent police intercepted the vehicle of the petitioner and seized the same on the ground that it was used for carrying illegal sand without any valid permit and registered the case in Crime No.246 of 2021 for the offence under Sections 147, 294(b), 323, 506 (i) & 363 of IPC and 3(1)(r)(s) of SC/ST (POA) Act, 1989. Subsequently, the petitioner has approached the learned Sessions



Judge, Special Court for Trial under SC/ST (POA) Act, 1989, Ramanathapuram, by way of filing a petition in Crl.M.P(MD)No.804 of 2021 for release of the vehicle. The learned judge, by order dated 10.12.2021 has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

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3.The learned counsel appearing for the petitioner submitted that the vehicle was purchased by hypothecated in a private finance company. If the vehicle is not given to the petitioner, the petitioner will be put to heavy and irreparable loss and prayed for return of the vehicle to the petitioner.

4.Mrs.M.Aaasha, learned counsel for State Government (Crl.side) has strongly opposed to release the vehicle.

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.On consideration of the documentary evidence, the trial Court has dismissed the petition on the ground that the vehicle was hypothecated under private finance company and to prove the ownership of vehicle, the petitioner has filed R.C. book for the vehicle ' Bajaj Pulsar 150 DTS-I bike, bearing Registration No.TN-65-BZ-4496'', but in his petition, the petitioner mentioned the interim custody vehicle as Bajaj Pulsar 150 DTS-I bike, bearing Registration No.TN-65-BZ-4496. Since the reasons stated by the petitioner in the petition are acceptable, the order passed by the trial Court is liable to be set aside.

7. Accordingly, this Criminal Revision Case is allowed and the order of the learned Sessions Judge, Special Court for Trial under SC/ST (POA) Act, 1989, Ramanathapuram, in Crl.M.P.No.804 of 2021, dated 10.12.2021 is set aside and the learned Sessions Judge, Special Court for Trial under SC/ST (POA) Act, 1989, Ramanathapuram, is directed to return the vehicle subject to the petitioner complying the following conditions:-

(a)The petitioner shall produce the attested copy of the R.C Book obtained from the financier;

(b)The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty five thousand only) to the credit of Crime No.246 of 2021 on the file of the learned Sessions Judge, Special Court for Trial under SC/ST (POA) Act, 1989, Ramanathapuram, within a period of two weeks from the date of receipt of a copy of this order;

(c)The petitioner shall not make any alteration of the vehicle;



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(d)The petitioner shall produce the same before the Court as an when required.

Sd/-

Assistant Registrar(CS.III)

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/ /2022

Sub Assistant Registrar(CS)

To

1.The learned Sessions Judge, Special Court for Trial under SC/ST (POA) Act, 1989, Ramanathapuram.

2.The Sub-Inspector of Police, Nainar Kovil Police Station, Ramanathapuram District. (Crime No.246 of 2021)

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-23877[F] dated 20/05/2022)

Crl.R.C. (MD) .No.481 of 2022

Date:19.05.2022

SA(31.05.2022) 3P 5C