



Crl.R.C.(MD)No.553 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Date : 12.07.2022

CORAM:

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**Crl.R.C.(MD)No.553 of 2022**

Deivendran

... Petitioner

vs.

1.The District Collector,  
District Collector Office,  
Dindigul.

2.The Assistant Director,  
Department of Geology and Mines,  
Dindigul.

3.The Revenue Divisional Officer,  
Dindigul.

4.The Tahsildar,  
Dindigul West,  
Dindigul District.

5.The Sub Inspector of Police,  
Thadicomby Police Station,  
Dindigul.

... Respondents

**PRAYER** : This Criminal Revision Petition has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order passed in Crl.M.P.No.2451 of 2020, dated 02.08.2021 on the file of the learned Principal Sessions Judge, Dindigul, directing the fifth respondent to hand over the vehicle bearing Registration No.TN 59 BY 2658 (Chasis No.MAT455311C8D15959 - Engine No. 497SPTC39DXY625287) to the petitioner.



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*Crl.R.C.(MD)No.553 of 2022*

For Petitioner : Mr.K.Neethimohan

For Respondents : Mr.S.Manikandan  
Government Advocate (Crl. side)

### **ORDER**

This Criminal Revision Petition is directed against the order passed in Crl.M.P.No.2451 of 2020, dated 02.08.2021 on the file of the Principal Sessions Judge, Dindigul, dismissing the petition filed under Section 457 r/w 451 of Cr.P.C.

2.The petitioner has filed the above application seeking orders to grant interim custody of 407 Van bearing Registration No.TN 59 BY 2658 (Chasis No. MAT455311C8D15959 - Engine No. 497SPTC39DXY625287), which is now in the police custody.

3.The case of the petitioner is that he is the owner of the said vehicle, that the fifth respondent registered a case in Crime No.649 of 2020 alleging that the vehicle in question was involved in the illegal transportation of gravel and seized the same, that the petitioner was not involved in the said case and he had handed over the vehicle for hire, that he purchased the vehicle through Cholamandalam Investment and



Finance Limited on hire purchase, that since the vehicle was under hypothecation, the original R.C. book was kept with the said finance company and that he is not having any previous case. The learned Principal Sessions Judge has specifically observed that she was not satisfied with the ownership of the vehicle and that the fitness of the vehicle was only valid upto 03.10.2019 and that therefore, the Court was not inclined to grant interim custody.

4.The learned counsel for the petitioner would submit that he had settled the entire amount to the finance company and got back the original R.C. book and that he has already produced the original R.C. book before the learned Principal Sessions Judge.

6.But the learned Government Advocate (Crl. Side) would submit that there is no endorsement for cancellation of hypothecation from the hirer in the R.C. book and that is why, the learned Principal Sessions Judge has given a finding that the ownership was not proved.

7.Considering the above facts and circumstances, this Court is of the view that the matter has to be remitted back to the learned Principal Sessions Judge, Dindigul for conducting enquiry afresh and the petitioner



is directed to produce the documents to prove his ownership before the learned Principal Sessions Judge, Dindigul.

8.In the result, this Criminal Revision Petition is allowed and the impugned order passed by the learned Principal Sessions Judge, Dindigul in Crl.M.P.No.2451 of 2020, dated 02.08.2021 is set aside and the matter is remitted back to the learned Principal Sessions Judge for conducting fresh enquiry and pass orders on merits and in accordance with law.

**12.07.2022**

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To

- 1.The Principal Sessions Judge, Dindigul.
- 2.The District Collector,  
District Collector Office,  
Dindigul.
- 3.The Assistant Director,  
Department of Geology and Mines,  
Dindigul.
- 4.The Revenue Divisional Officer,  
Dindigul.
- 5.The Tahsildar,  
Dindigul West,  
Dindigul District.



*Crl.R.C.(MD)No.553 of 2022*

6.The Sub Inspector of Police,  
Thadicomby Police Station,  
Dindigul.

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



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**K.MURALI SHANKAR, J.**

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