



Crl.R.C.(MD) No.757 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2022

CORAM:

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

Crl.R.C.(MD)No.757 of 2022

G.Rajendran

... Petitioner/Petitioner

Vs.

State through
The Sub-Inspector of Police,
Malli Police Station,
Virudhunagar District.
(Crime No.136 of 2019)

... Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records and set aside the order passed by the Court of Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur in Crl.M.P.No.838 of 2022 on 22.04.2022 and allow this Criminal Revision Petition.

For Petitioner : Mr.M.Jothi Basu,

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



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ORDER

This Criminal Revision Petition is directed against the order passed in Cr.M.P.No.838 of 2022 dated 22.04.2022 on the file of the learned Principal District and Sessions Court, Virudhunagar District at Srivilliputtur, partly allowing the petition filed under Section 452 Cr.P.C.

2. Admittedly, the petitioner is the owner of the Tractor along with Trailer.

3. It is not in dispute that the respondent police registered a case against the petitioner and other accused in Crime No.136 of 2019 for the offences under Sections 379 IPC r/w 21(1) and 23 of Mines and Minerals (Development and Regulation) Act, 1957.

4. It is also not in dispute that the petitioner has already been granted anticipatory bail by this Court.

5. The learned counsel for the petitioner would submit that the petitioner has filed a petition to quash the FIR in CrI.O.P.(MD)No.1984 of 2020 and this



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Court vide order dated 07.03.2022 has allowed the petition and thereby quashed the FIR in Crime No.136 of 2019 pending on the file of the respondent police.

6. The learned counsel for the petitioner would further submit that thereafter the petitioner has filed an application under Section 452 Cr.P.C., seeking orders to refund the amount of Rs.15,000/- (Rupees Fifteen Thousand only), which was deposited as per the condition imposed while getting interim custody of the Tractor and also for returning of the Trailer, which was allegedly seized along with the Tractor in Cr.M.P.No.838 of 2022 and the learned Principal District and Sessions Judge has partly allowed the petition and ordered for refund of Rs.15,000/- (Rupees Fifteen Thousand only), which was deposited by the petitioner as per the order passed in Cr.M.P.No.575 of 2020 dated 11.03.2020 but dismissed the application in respect of the Trailer bearing Registration No.TN-72-W-1984.

7. The learned counsel for the petitioner would further submit that reasons assigned by the learned Principal District and Sessions Judge for not returning the Trailer is that the property was not produced and remanded before the Court and the same is in station custody.



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8. At this juncture, the learned Government Advocate (Criminal Side) for the respondent police would submit that the respondent police has produced the Tractor along with Trailer in Form 95 and the same was received and remanded in C.P.No.259 of 2020 as early as on 07.09.2020 and the vehicle was entrusted with the respondent police for safe custody.

9. Since the trailer was already produced and the same was remanded, the observation of the learned Principal District and Sessions Judge that the vehicle was not produced and no PR was made in respect of the Trailer is not correct.

10. Considering the above facts and circumstances and also the facts that the FIR was quashed by this Court, this Court decides that the impugned order dismissing the petition in respect of the Trailer is not good in law and the same is liable to be set aside.

11. In the result, this Criminal Revision Petition is allowed and the order passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, in Cr.M.P.No.838 of 2022, rejecting the custody of the



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Trailer bearing Registration No.TN-72-W-1984 is set aside. The petitioner is directed to file No Objection Certificate (NOC) given by the previous owner of the vehicle before the concerned Court and on such filing, the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur is directed to hand over the custody of the vehicle Trailer bearing Registration No.TN-72-W-1984 to the petitioner forthwith.

11.08.2022

Index : Yes/No
Internet : Yes/No
csm

To:-

1. The Principal District and Sessions Judge,
Virudhunagar District at Srivilliputtur.
2. The Sub-Inspector of Police,
Malli Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

csn

**ORDER MADE IN
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