

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.834 of 2022

Karuppasamy Pandian

.. Petitioner/Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Cr.No.497 of 2021)

2.The Sub Collector,
Paramakudi.

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

4.The Tahsildar,
Taluk Office,
Kadaladi.

5.The Manager,
Sonalika Tractors (SAK Tractors),
Kattuparamakudi,
Emaneswaram,
Paramakudi Taluk,
Ramanathapuram District.

... Respondents/Respondents

PRAYER: This Civil Revision Case is filed under Sections 397 and 401 of the Criminal Procedure Code, to call for the records relating to case in Cr.M.P.No.2318 of 2022 on the file of the Principal District and Sessions Judge, Ramanathapuram, dated 26.08.2022 in Crime No.497 of 2022 on the file of the 1st respondent police.

For Petitioner : Mr.S.Sundarapandian

For Respondent : Mr.S.Manikandan for R1 to R4
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed against the order passed in Cr.M.P.No.2318 of 2022 on the file of the Principal District and Sessions Judge, Ramanathapuram, dated 26.08.2022.

2.The petitioner has filed this petition for interim custody of his vehicle before the trial Court. The same was dismissed by the Principal District and Sessions Judge, Ramanathapuram, on the ground that the vehicle was already involved in Crime Nos.14 of 2020 and 229 of 2020 and the petitioner is also having similar previous case.

3.The learned Government Advocate (Crl. Side) would submit that the petitioner is used to involve the vehicle for illegal activity. He is a habitual offender. The trial Court has rightly rejected the request of the

petitioner and no interference is required.

4.No doubt the petitioner has used the vehicle in two previous cases. But if the vehicle is allowed to kept over in the custody of the police or in the concerned Court, there is every likelihood of continuous damage to the vehicle. So on that ground only the petitioner was already directed to file an undertaking affidavit to the effect that he will not use the vehicle for any illegal activities in future. As directed, the petitioner has also filed the undertaking affidavit. Based on the undertaking affidavit, this Court is inclined to allow this Revision Case.

5.Accordingly, this Criminal Revision Case is allowed and the order passed by the learned Principal District and Sessions Judge, Ramanathapuram, in Cr.M.P.No.2318 of 2022, dated 26.08.2022, is hereby set aside and there shall be a direction to return the vehicle to the petitioner on executing a personal bond for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties each for a like sum to the satisfaction of the Principal District and Sessions Judge, Ramanathapuram and depositing Rs. 50,000/- as cash deposit. If the respondent police finds the vehicle involved in any other illegal activity in future, they are at liberty to move the Court at

any time for cancellation.

13.09.2022

Index : Yes / No

Internet : Yes / No

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To

- 1.The Principal District and Sessions Judge, Ramanathapuram.
- 2.The Inspector of Police, Sayalkudi Police Station,
Ramanathapuram District.(Cr.No.497 of 2021)
- 3.The Sub Collector, Paramakudi.
- 4.The Assistant Director, Geology and Mining Department,
Collectorate Complex, Ramanathapuram.
- 5.The Tahsildar, Taluk Office, Kadaladi.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGOVAN,J.

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