



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD) No.937 of 2021

M.Lingam

...Petitioner/Petitioner

Vs.

The State through
The Sub Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

(*)Crime No.399 of 2021.

...Respondent/Respondent

PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C. praying to call for the records relating to the order passed by the learned Principal Sessions Judge, Virudhunagar District at Srivilliputtur in Cr.M.P.No.2073 of 2021 dated 08.11.2021, set aside the same and allow this revision petition.

For Petitioner : Mr.C.Susi Kumar
For Respondent : Mrs.M.Aasha
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Petition has been filed challenging the order passed by the learned Principal Sessions Judge, Virudhunagar District at Srivilliputtur in Cr.M.P.No.2073 of 2021 dated 08.11.2021, thereby dismissing the petition filed for return of the vehicles, tipper lorry bearing Registration No.TN 28 BC 0933 and JCB bearing Registration No.TN 10 BB 9550 to the petitioner.

2. According to the petitioner, the petitioner purchased both the vehicles from Paulraj and Sparc Oil Field Services Private Limited and also obtained Form - 29 and 30 for change of ownership in favour of the petitioner. Though both the forms were produced before the Regional Transport Authority for change of ownership, due to COVID-19, the ownership could not be transferred in favour of the petitioner herein. In the meanwhile, the petitioner involved in Crime No.399 of 2021 registered for offences under Section 379 of IPC read with Section 21(1) of Mines and Minerals Development and Regulations Act with his vehicles. Pursuant to registration of F.I.R., both the vehicles have been seized and deposited before the Principal Sessions Court, Virudhunagar in C.P.No.62 of 2021. While pending investigation, the petitioner filed a petition for return of his vehicles and the said petition was dismissed on the ground that the ownership of both the vehicles stands in the name of Paulraj and



Sparc Oil Field Services Limited and that the petitioner failed to produce any document to prove that the petitioner is the owner of two vehicles.

3. On perusal of documents, the petitioner marked exhibits P1 to P9 and those documents revealed that the petitioner entered into an agreement of sale with the original owner of the vehicles and also marked Form -29 and 30 for both the vehicles. Thereafter, the petitioner paid road tax for both the vehicles which were marked as P7 and P8.

4. The learned counsel for the petitioner would submit that the petitioner possessed original RC Book of both the vehicles and all other documents. Though the ownership of the vehicles were not transferred in favour of the petitioner, admittedly, there is no rival claim from other parties.

5. Considering the above, the impugned order passed by the learned Principal Sessions Judge, Virudhunagar District at Srivilliputtur in Cr.M.P.No.2073 of 2021 dated 08.11.2021, is set aside. The Court below is directed to return both the vehicles, tipper lorry bearing Registration No.TN 28 BC 0933 and JCB bearing Registration No.TN 10 BB 9550 to the petitioner on the following conditions:

(i) The petitioner shall deposit the original Registration Certificate of both the vehicles with the learned Principal Sessions Judge, Virudhunagar District;

(ii) The petitioner is directed to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Crime No.399 of 2021, before the learned Principal Sessions Judge, Virudhunagar District within a period of two (2) weeks from the date of receipt of a copy of this order;

(iii) The petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Virudhunagar District;

(iv) The petitioner shall not alienate and shall not make any alteration in both the vehicles;

(v) The petitioner shall produce both the vehicles before the Court and before the respondent as and when required and this order is subject to the final order to be passed in the confiscation proceedings;

(vi) If any of the aforesaid conditions are violated, this order automatically stands cancelled.



6. Accordingly, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS-III)

**(*) Amended as per order of this Hon'ble Court
dated 18.03.2022 in CRL RC(MD).937 of 2021.**

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

(*) To be substituted to the order already despatched on 16.03.2022

1. The Principal And District Sessions Judge,
Virudhunagar District,
Srivilliputtur.

2. The Sub Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-7290[F] dated 21/02/2022)

Crl.R.C. (MD) No.937 of 2021

17.02.2022

nsn(CO)

GC(10.03.2022) 3P 5C

TR(21.03.2022) 3P 5C