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Crl.R.C.(MD).No.1153 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.1153 of 2022

Palanibose

... Petitioner

Vs.

The State Rep. by its,
The Sub-Inspector of Police,
M.Pudhupatti Police Station,
Virudhunagar District.
(In Crime No.4/2022)

.. Respondent

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records relating to the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Crl.M.P.No.3690 of 2022, dated 15.11.2022 in Crime No.4 of 2022 on the file of the Sub Inspector of Police, M.Pudhupatti Police Station, Virudhunagar District filed by the petitioner under Section 451 Cr.P.C. and set aside the same as illegal and return the vehicle (Tractor) bearing Registration No.TN 67 S 7423 to the petitioner and modify the condition No.(i) by allowing the above criminal revision petition.

For Petitioner : Mr.M.Jagadeesh Pandian

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



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ORDER

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This Criminal Revision Case has been filed against the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Crl.M.P.No.3690 of 2022, dated 15.11.2022.

2.The petitioner's application filed under Section 451 Cr.P.C. for return of vehicles namely Tractor and JCB, has been partly allowed by the trial Court. The trial Court has dismissed the application in respect of the vehicle namely Tractor, since the vehicle is involved in three previous cases and allowed the application in respect of JCB with a condition to deposit a sum of Rs.2,50,000/- before the trial Court namely Judicial Magistrate Court No.II, Sivakasi. The learned counsel for the petitioner seeks modification of the above said condition also.

3.The learned Government Advocate (Crl. Side) submitted that so far no confiscation proceedings has been initiated in respect of the above said vehicles. The one of the vehicle belongs to the petitioner namely the Tractor is involved in three previous cases. On that ground the petition was dismissed by the trial Court in respect of the Tractor. The vehicle namely the JCB is of the year 2019 make, the trial Court has imposed such deposit.



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4.The petitioner has filed undertaking affidavit before this Court to the effect that he and his vehicles will not indulge in such crime in future.

5.Accordingly, the order, dated 15.11.2022 made in Cr.M.P.No.3690 of 2022 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, is hereby set aside in respect of the Tractor. The vehicle namely Tractor bearing Registration No.TN 67 S 7423 is ordered to be returned to the petitioner by following proper procedure. The petitioner shall produce the original R.C.Book and undertaking affidavit to the effect that he will not alter or change the vehicle. The petitioner shall execute a bond to the satisfaction of the concerned Court to be fixed of its own discretion. If any confiscation is ordered in future the vehicle may be repossessed by the respondent.

6.In respect of the condition No.(i) imposed in respect of the vehicle namely JCB bearing Registration No.TN 66 AB 7863, considering the submissions on either side and since the vehicle is 2019 year make, the order that has been passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Cr.M.P.No.3690 of 2022, dated 15.11.2022, is modified to the effect that the petitioner shall deposit a



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sum of 'Rs.1,50,000/- (*Rupees One lakh and fifty thousand only*)' instead of 'Rs.2,50,000/- (*Rupees Two Lakh Fifty Thousand only*)' before the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District, to the credit of Crime No.4 of 2022 on the file of the respondent police. The other conditions shall stand unchanged. If any violation is noticed the order passed in this petition shall stand cancelled automatically and the vehicle may be repossessed by the respondents.

7.With the above directions, this Criminal Revision Case is disposed of.

01.12.2022

Index : Yes / No
Internet : Yes / No
TM

To

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



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G.ILANGOVA,N,J.

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