



Crl.R.C.(MD)No.1229 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2022

CORAM:

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.R.C.(MD)No.1229 of 2022

Narasingamoorthi

... Petitioner / Owner of the property

Vs

The Sub Inspector of Police,
Chinthamanipatty Police Station,
Karur District.
(Crime No.96 of 2022)

... Respondent / Respondent cum
Complainant

Prayer: This Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., to set aside the order made in Crl.M.P.No.1730 of 2022 on the file of Principal District Sessions Judge, Karur, dated 13.10.2022, and hand over the interim custody of the vehicle bearing Reg.No.TN 01 Q 3512 belongs to the Petitioner.

For Petitioner : Mr. Gokulraj.S

For Respondent : Mr. Suresh Kumar.R
Government Advocate (Crl. Side)



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ORDER

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Challenging the dismissal order, dated 13.10.2022, in Crl.M.P. No.1730 of 2022, passed by the learned Principal District Sessions Judge, Karur, this Criminal Revision Case has been filed by the revision petitioner.

2.The vehicle bearing registration No. TN 01 Q 3512 was involved in Crime No.96 of 2022, on the file of respondent Police and a case was registered against the revision petitioner. The trial Court has dismissed the petition on the ground that the petitioner has used the above said vehicle repeatedly for the similar offences.

3.The petitioner is facing charges for the offences under Section 379 of IPC r/w. Section 21 (1) of Mines and Minerals Act, 1957. Pending investigation, the above said vehicle is involved in the similar offences and the same was seized and remanded before the concerned Court in R.P.No.267 of 2022. The petitioner / owner of the above said property sought the return of vehicle on interim custody in Crl.M.P.No.1730 of 2022, that was dismissed on 13.10.2022 by the learned District and Sessions Judge, Karur, on the ground that there are previous cases pending against the petitioner.



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4. The learned Government Advocate (Crl.Side) would submit that there are two cases pending against the petitioner.

5. The learned Counsel for the petitioner would submit that the petitioner has given an undertaking affidavit that he will not indulging any kind of similar nature of offences in future.

6. In view of the above undertaking affidavit given by the petitioner, this Court is inclined to allow this revision.

7. Accordingly, this Criminal Revision Case is allowed and the order, dated 13.10.2022, in Crl.M.P. No.1730 of 2022, passed by the learned Principal District Sessions Judge, Karur, is hereby set aside and directed to return the vehicle to the revision petitioner on the following conditions:

- 1. The petitioner shall produce the original R.C. Book of the vehicle and directed to give an undertaking affidavit before the concerned Judicial Magistrate Court, to the effect that he will not alter or change the properties of vehicle and he will ensure that in future, the alleged vehicle will not be involved in any illegal activities.*



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2. *The petitioner shall execute a bond to the satisfaction of the concerned Court to be fixed on its own discretion;*
3. *The petitioner shall produce the vehicle before the respondent and the trial Court as and when required;*
4. *If any of the above conditions are violated, this order will stand automatically cancelled.*

14.12.2022

Index :Yes/No
Internet:yes/No
indu

To

- 1.The Sub Inspector of Police,
Chinthamanipatty Police Station,
Karur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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