



Crl.O.P.No.15301 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15301 of 2023

M.Kesavan

... Petitioner

Vs.

State represented by its
Inspector of Police,
Ulundurpet Police Station,
Villupuram District
(Crime No.2698 of 2020)
(C.P.No.25 of 2021)

... Respondent

Prayer : This Criminal Original Petition is filed under Section 482 of
Cr.P.C. to set aside the order dated 15.03.2022 passed in
C.M.P.No.1708 of 2022 in CRP.No.77 of 2021 on the file of the
Principal Sessions Judge, Villupuram.

For Petitioner	:	Mr.E.Manikandan
For Respondent	:	Mr.A.Damodaran
		Additional Public Prosecutor



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ORDER

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This petition has been filed challenging the order passed by the Court below dismissing the application filed seeking for extention of time to comply with the conditions imposed by the court below while ordering for the release of the lorry which was seized by the respondent police during the course of investigation in Crime No.2698 of 2020.

2. Heard Mr.E.Manikandan, learned counsel for the petitioner and Mr.A.Damodaran, Additional Public Prosecutor for respondents.

3. The subject vehicle was involved in an offence under Section 379 of IPC and 21(1) of the Mines and Minerals (Development and Regulation Act, 1957. The same was seized by the respondent police on 08.12.2020. Ultimately, the vehicle was also produced before the Court below and it is in the custody of the



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Court from 15.03.2021 onwards.

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4. The petitioner filed an application seeking for return of property before the Judicial Magistrate I, Ulundurpet and the said application filed in CMP No.745 of 2021 was dismissed on 19.03.2021. Aggrieved by the same, the petitioner filed a criminal revision before the Principal Sessions Judge, Villupuram in CRP No.77 of 2021. The CRP was allowed by order dated 23.06.2021 by imposing certain conditions. The petitioner was not able to comply with the conditions and he filed an application seeking for extension of time. The Court below did not find any merits in the application filed by the petitioner and hence, the same came to be dismissed by an order dated 15.03.2022. Aggrieved by the same, the present petition has been filed before this Court.

5. The vehicle has been in the custody from December 2020 onwards and it is exposed to rain and shine. In view of the same, one last opportunity can be given to the petitioner to get back the



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interim custody of the vehicle by imposing certain conditions. In view of the same, this Criminal original petition is disposed of in the following terms :-

(a) The petitioner shall surrender the original RC book of the vehicle before the concerned magistrate.

(b) The petitioner shall execute a personal bond for a sum of Rs.50,000/- with two sureties for a like sum within a period of one week from the date of receipt of the copy of this order. The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and give photocopy of their Aadhar Card or Bank pass book to ensure their identity.

(c) The petitioner shall give a written undertaking before the Judicial Magistrate stating that he will not use the vehicle in question for any illegal activities in future and produce the same as and when required before the Court below failing which the Trial Court is at liberty to confiscate the vehicle.

(d) The petitioner shall take a photograph of the



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vehicle and submit the same along with "compact disc" duly certified under Section 65B of the Indian Evidence Act, 1872 to the concerned Judicial Magistrate.

(e) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings.

(f) The petitioner shall co-operate for the enquiry conducted by the respondent police.

(g) If after the release of the vehicle, the vehicle is found to be involved in any other offence, it is left open to the respondent police to proceed further to initiate confiscation proceedings.

10.07.2023

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order

Note : Issue order copy on 13.07.2023

To

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- 1. The Inspector of Police,
Ulundurpet Police Station,
Villupuram District**
- 2. The Public Prosecutor,
Madras High Court,
Chennai.**

N.ANAND VENKATESH,J.



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