



Crl.R.C.No.996 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:07.06.2023

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Criminal Revision Case No.996 of 2020

M.Saravanan

.. Petitioner/Vehicle Owner

/versus/

State rep.by the
Inspector of Police,
Poraiyaar Police Station,
Nagapattinam District.
(Cr.No.774 of 2020)

.. Respondent/Complainant

Prayer: Criminal Revision Case has been filed under Section 397 r/w 401 of Cr.P.C., to set aside the order passed dated 25.09.2020 in Crl.M.P.No.2526 of 2020 on the file of the learned District and Sessions Judge, Nagapattinam for return of the vehicle bearing No.TN 31 AB 5047 of the petitioner.

For Petitioner :Mr.N.Birabhu

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



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ORDER

This Criminal Revision Case has been filed against the order passed by the trial Court rejecting the plea of the revision petitioner to return the Tractor bearing Reg.No.TN 31 AB 5047 being involved in illegal transport of minerals.

2. This Court, vide order dated 17.12.2020 in Crl.R.C.No.996 of 2020, ordered interim custody of the vehicle to the revision petitioner on the following conditions:-

“(i)The petitioner shall deposit a sum of Rs.25,000/- before the jurisdictional Tahsildar as non-refundable deposit. After receipt of the above said amount, the same will have to be deposited by the Tahsildar, to the credit of the District Mines and Minerals Foundation Trust, Nagapattinam as non-refundable deposit;

(ii)The petitioner shall execute a personal bond for a sum of Rs.25,000/- with two sureties each, for a like sum to the satisfaction of the District and Sessions Court, Nagapattinam. The petitioner and the sureties shall affix their photographs and give the copies of their Aadhaar Card;



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(iii)The petitioner shall give an undertaking before the respondent/authority concerned stating that he will not use the vehicle in question for any illegal activities in future and shall produce the same as and when required by the respondent and also the trial Court, failing which the respondent/trial Court is at liberty to confiscate the vehicle;

(iv)The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the authority concerned;

(v)The petitioner shall take photograph of the vehicle and submit the same along with compact disc duly certified under Section 65-B of the Indian Evidence Act, 1872;

(vi)The petitioner shall surrender the original R.C.book before the District and Sessions Court, Nagapattinam;

(vii)The petitioner is also directed to participate in the enquiry to be conducted by the respondent.”

3. When the matter came up for final hearing, there was no representation on behalf of the revision petitioner. Hence, on 05.06.2023, this Court passed an order as below:-

“After getting interim custody of the Tractor, which is involved in sand theft, the learned counsel for the revision petitioner is not present before the Court to represent the case.



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2.The learned Government Advocate (Crl.Side) says that the accused is not co-operating with the investigation and trial.

3.Call the matter on 07.06.2023 for filing status report and the respondent police shall cause notice to the revision petitioner to be present before the Court on 07.06.2023 and to show cause as to why the order dated 17.12.2020 granting interim custody of the vehicle been recalled.”

4. Today, when the case was listed, the revision petitioner present along with his counsel. The revision petitioner states that even on the date of occurrence, he has sold the Tractor to A2 but RC book was in his name. Therefore, he sought for return of vehicle and after getting the interim custody of the vehicle, he had given the vehicle to A2.

5. This is *per se* violation of the conditional order passed by this Court on 17.12.2020.

6. Be that as it may. After investigation, final report has been filed and pending on the file of the Judicial Magistrate, Tharangambadi.



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7. In the light of the above fact, this Criminal Revision Case filed seeking return of the vehicle is dismissed. The revision petitioner is directed to surrender the vehicle viz., Tractor bearing Reg.No.TN 31 AB 5047 before the learned Judicial Magistrate, Tharangambadi, within a period of 15 days from today.

07.06.2023

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To:

- 1.The District and Sessions Judge, Nagapattinam.
- 2.The Judicial Magistrate, Tharangambadi.
- 3.The Inspector of Police, Poraiyaar Police Station, Nagapattinam District.



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Dr.G.JAYACHANDRAN,J.

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