



Crl.R.C.No.55 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.R.C.No.55 of 2023

Saroja

... Petitioner

Vs.

1.State Rep.by
The Inspector of Police,
Nannilam Police Station,
Thiruvarur District.
(Crime No.184 of 2020)

... Respondent

PRAYER : Criminal Revision Case has been filed under sections 397 read with 401 of Criminal Procedure Code to call for the records and set aside order dated 15.09.2022 of the learned District and Sessions Judge, Thiruvarur in Crl.M.P.No.250 of 2022 and to direct the respondent to return the vehicle viz., TRACTOR bearing Registration No.TN 50 D 3269 to the petitioner in Crime No.184 of 2020 pending on the file of the respondent.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.V.Meganathan
Government Advocate (Crl.Side)



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ORDER

This Criminal Revision Case is filed against the order of the learned District and Sessions Judge, Thiruvavarur in Crl.M.P.No.250 of 2022, dated 15.09.2022.

2. The learned counsel for the petitioner submitted that the petitioner is not an accused in the case registered by the police in Crime No. 184 of 2020 for the offence punishable under Section 379 I.P.C., r/w.21 M.M.Act. The petitioner is the owner of the vehicle (Sonalica Tractor) bearing Registration No.TN 50 D 3269 with Tipper, which had been seized for transporting the sand illegally. But, in the F.I.R., and Seizure Mahazar, the registration number of the vehicle has been wrongly mentioned as “TN 50 S 3269” instead of “TN 50 D 3269”. The District Munsif cum Judicial Magistrate, Nannilam also received the case property in C.P.No.237 of 2021. The trial Court, without considering the fact that the police had wrongly mentioned the registration number, dismissed the petition on 15.09.2022 in Crl.M.P.No.250 of 2022 filed by the petitioner to return the



3. The learned Government Advocate (Crl.Side) for the respondent submitted that the original registration number of the vehicle Sonalica Tractor with Tipper is TN 50 D 3269. The police had mistakenly mentioned the registration number as TN 50 S 3269. He further submitted that the petitioner is not an accused.

4. I have considered the submissions made by the learned counsel and perused the materials on record.

5. On perusal of the records, it is seen that the respondent police has wrongly mentioned the registration number as “TN 50 S 3269” instead of “TN 50 D 3269”, this Court finds merit in this Criminal Revision Case. Hence, this Court directs the learned District and Sessions Judge, Thiruvarur to return the vehicle Sonalica Tractor with Tipper bearing registration No.TN 50 D 3269 to the petitioner on the following conditions:-



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(i)The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Magistrate, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

(ii)The petitioner shall not alter or alienate the vehicle in any manner till confiscation proceedings is over;

(iii) The petitioner ***shall execute a bond for a sum of Rs.2,00,000/- (Rupees two lakhs only) to the satisfaction of the learned District and Sessions Judge, Thiruvarur.***

(iv)The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent or the Court below as well as by the District Collector of the District or authorized officer in that behalf by the Government;

(v)The petitioner shall participate in the confiscation



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proceedings, if any initiated, and shall produce the vehicle, before the confiscation authority. This order is subjected to the confiscation proceedings.

6. Accordingly, this ***Criminal Revision Case is allowed*** by setting aside the order of the learned District and Sessions Judge, Thiruvarur, dated 15.09.2022.

11.01.2023

rpl

To

1.The District and Sessions Judge, Thiruvarur.

2.The Inspector of Police,
Nannilam Police Station,
Thiruvarur District.

3.The Public Prosecutor,
High Court of Madras,
Chennai-104.



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V.SIVAGNANAM, J.,

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