



Crl.R.C(MD) No.33 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.R.C(MD)No.33 of 2023

K.Krishnasamy

... Revision Petitioner

Vs.

State through
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.

... Respondent

Prayer : This Criminal Revision has been filed under Sections 397 and 401 of Criminal Procedure Code, to call for the entire records pertaining to the order passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Cr.M.P.No.1809 of 2020 vide order dated 17.11.2022 and set aside the same and consequently, direct the above said the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur to return the petitioner's Mahindra 475-D1 Tractor bearing its Registration Number TN-67-AM-0660 and along with Unregister Trailer kept in the custody of the above said principal District and Sessions Court in connection with the case in crime No.233 of 2020 on the file of the respondent police.



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For Petitioner : Mr.D.Rajaboopathy
For Respondent : Mr.R.Suresh Kumar
Government Advocate(Crl.side)

ORDER

This Criminal Revision Petition is filed to set aside the dismissal order passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur in Cr.M.P.No.1809 of 2020 dated 17.11.2022.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the Tractor, bearing Registration No.TN-67-AM-0660. The respondent seized the petitioner's vehicle on the allegation that the vehicle illegally transported river sand, registered a case in Crime No.233 of 2020 under Sections 4(1)(1A), 21(1) of Mines and Minerals (Development and Regulation) Act, 1957. The petitioner claiming himself as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Cr.M.P.No.1809 of 2020, before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, for return of vehicle and the same was dismissed on 17.11.2022 on the ground that the vehicle is involved in one previous case. Challenging the same, the present Criminal Revision Case is filed before this Court.



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3. On the earlier occasion, when the matter was taken up for hearing, the learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner's vehicle was involved in similar offence.

4. After hearing both side arguments on 10.01.2023, this Court directed the petitioner to file an undertaking affidavit stating that his vehicle will not indulge in such activities in future.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

6. As per the direction of this Court, the petitioner has filed an undertaking affidavit stating that his vehicle will not indulge in such activities in future.

7. Considering the above facts and circumstances of the case and also considering the affidavit filed by the petitioner, the order of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, made in Cr.M.P.No.1809 of 2020, dated 17.11.2022 is set aside the learned Principal



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District and Sessions Judge is directed to release the petitioner's vehicle along with Unregister New Trailer by following proper procedure. The petitioner shall produce the original R.C.Book and file an 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 by its own discretion.

8. In the result, the Criminal Revision Case is allowed. If the respondent police finds the vehicle involved in any other illegal activity in future, the order granted by this Court, shall stand automatically cancelled without further reference to this Court and the vehicle may be seized.

20.01.2023

Index : Yes/No

Internet : Yes/No

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To:-

- 1.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
- 2.learned Principal District and Sessions Judge,
Virudhunagar District, Srivilliputhur.

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ORDER MADE IN
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20.01.2023