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Crl.R.C.(MD).No.232 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.232 of 2023

Sasikumar

... Petitioner/3rd Party

Vs.

1.The State represented by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No.211 of 2022)

... Respondent/Complainant

2.Thalapathy

... Accused.

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the entire records pertaining to the order passed by the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur District in Crl.M.P.No.5448 of 2022, vide order, dated 28.10.2022 and quash the same and consequently, direct the above said learned Additional District Judge/ Presiding Officer, Special Court under Essential Commodities Act, Thanjavur District to return the Petitioner's TVS Apache grey colour two wheeler bearing registration number TN-49-CE-4078 kept in the custody of the above said Special Court in connection with the case in Crime No.211 of 2022 on the file of the respondent police.



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For Petitioner : Mr.R.L.Dhilipan Pandian

For Respondents : Mr.M.Sakthi Kumar for R1
Government Advocate (Crl. Side)

ORDER

This criminal revision case has been filed to quash the order passed by the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur District in Crl.M.P.No.5448 of 2022, vide order, dated 28.10.2022 and consequently, seeking direction to release his vehicle.

2.The petitioner has filed the petition under Section 451 Cr.P.C. before the trial Court seeking release of vehicle on the ground that he is the owner of the vehicle and it was stolen by the accused person and used for transporting the contraband. But the petition was dismissed by the trial Court on the ground that the above said vehicle is only the material evidence in this case, which was used in transportation of Ganja.

3.Perusal of CD file shows that the accused has stolen the vehicle, which belongs to the petitioner, which is in the use of the petitioner for his daily use and used the same for the purpose of transport the contraband.



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4.Considering the facts and circumstances of the case, this Court is inclined to allow this petition.

5.Accordingly, this Criminal Revision Case is allowed and the order passed by the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur District in Crl.M.P.No. 5448 of 2022, vide order, dated 28.10.2022, is hereby set aside. The vehicle is ordered to be returned to the petitioner by following proper procedure. The petitioner shall produce the original R.C.Book and 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. If any confiscation is ordered in future the vehicle must be surrendered to the respondent.

02.03.2023

Index : Yes / No
Internet : Yes / No
TM

To

1.The Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur District.

2.The Inspector of Police, Thiruvaiyaru Police Station, Thanjavur District.



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G.ILANGOVAAN,J.

TM

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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