



Crl.R.C.(MD).No.203 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.203 of 2023

Arumugam

... Petitioner/Petitioner

Vs.

The Inspector of Police,
Tiruchuli Police Station,
Thiruchuli,
Virudhunagar District.
(Crime No.56 of 2022)

... Respondent/Respondent

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records in Cr.M.P.No. 430 of 2023 dated 06.02.2023, passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and set aside the same as illegal and consequently, direct the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur to release the petitioner's vehicle on interim custody.

For Petitioner : Mr.A.Balaji

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



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ORDER

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This criminal revision case has been preferred to set aside the order passed in Cr.M.P.No.430 of 2023 dated 06.02.2023, passed by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur and consequently, seeking direction to release his vehicle.

2.The petitioner is the owner of the vehicle namely JCB bearing Registration No.TN-67-BY-9807. It was seized by the respondent police in connection with FIR in Crime No.56 of 2022, which was registered for the offence punishable under Section 379 of IPC and Section 21(1) of Mines and Minerals (Regulations and Development) Act. To release the same on interim custody, he has filed a petition under Section 451 Cr.P.C. before the trial Court. That petition was dismissed by the trial Court on the ground that the vehicle was involved in one previous case. Against which, this present petition has been filed.

3.The learned Government Advocate (Crl. Side) takes notice for the respondent police and would submit that the vehicle is involved in one previous case. Hence, the trial Court rightly rejected the petitioner's application.



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4.Considering the submissions made by the learned Government Advocate (Crl. Side), the petitioner was directed to file an undertaking affidavit to the effect that he will not indulge in such activities.

5.The petitioner has filed undertaking affidavit before this Court to the effect that he will not indulge in such crime in future.

6.In view of the undertaking filed by the petitioner, this Criminal Revision Case is allowed and the order passed in Cr.M.P.No.430 of 2023 dated 06.02.2023, by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur, 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.

03.03.2023

Index : Yes / No
Internet : Yes / No
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To

- 1.The Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur.
- 2.The Inspector of Police,
Tiruchuli Police Station,
Thiruchuli,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J.

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