



Crl. R.C.(MD)No.294 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 21.04.2023

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.294 of 2023

Venkatesh

.. Petitioner

Vs.

State represented by
The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.

.. Respondent

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records and set aside the order, dated 30.01.2023 passed by the Principal Sessions Judge, Tirunelveli in Cr.M.P.No.11161 of 2022 in Cr.No.330 of 2022 and to release the Trailer registration No.TN-76-A-5405 to the custody of the petitioner.

For Petitioner : Mr.V.Muthuvelan

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

ORDER

The Criminal Revision Case is directed against the order passed in Cr.M.P.No.11161 of 2022, dated 30.01.2023 on the file of the learned



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Principal Sessions Judge, Tirunelveli, dismissing the petition filed under Section 451 Cr.P.C, for returning the vehicle on interim custody.

2. It is evident from the records that the respondent Police has registered a case in Crime No.330 of 2022 for the offence under Section 379 IPC (sand theft) and seized the Tractor and Trailer and that the same were produced before the jurisdictional Magistrate, who in turn received and remanded the same. The petitioner has filed a petition seeking orders to return the Tractor before the Principal Sessions Court in Cr.M.P. No.10329 of 2022 and the learned Sessions Judge has passed an order, dated 16.11.2022 granting interim custody of the vehicle by imposing certain conditions. Similarly, the petitioner has filed a petition in Cr.M.P.No.11161 of 2022, seeking orders to return the Trailer bearing Reg.No.TN-76-A-5405 on interim custody. But, the learned Principal Sessions Judge by observing that the petitioner has not proved the ownership of the vehicle, dismissed the petition.

3. In pursuance of the directions of this Court, the respondent Police has filed a report along with the copies of the certificates received from the RTO Office, stating that the Trailer bearing Reg.No.TN-76-A-5405 was registered in the name of the petitioner.



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4. The learned Government Advocate (Criminal Side) appearing for the State, on instructions, would submit that the petitioner is the owner of the vehicle and that they are not having any objections to release the vehicle by imposing necessary conditions.

5. Considering the facts and circumstances of the case and also the stand of the prosecution that the Trailer is owned by the petitioner and also taking note of the fact that if the vehicle is kept in open place exposing to sun and rain, the value of the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 30.01.2023 in Cr.M.P.No.11161 of 2022, by the learned Principal Sessions Judge, Tirunelveli.

6. Accordingly, this Criminal Revision Petition is allowed and the order dated 30.01.2023 in Cr.M.P.No.11161 of 2022 on the file of the learned Principal Sessions Judge, Tirunelveli, is hereby set aside and the learned Principal Sessions Judge, Tirunelveli, is directed to release the vehicle of the petitioner forthwith on the following conditions:-



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- (a) petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non-refundable for the vehicle to the credit of the District Mineral Foundation Trust, Tirunelveli; and on such deposit, the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties each for a likesum to the satisfaction of the learned Principal Sessions Judge, Tirunelveli ; and
- (b) the petitioner shall deposit the original Registration Certificate of the vehicle before the learned Principal Sessions Judge, Tirunelveli ;
- (c) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (d) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

21.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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K.MURALI SHANKAR,J.

das

To

- 1.The Principal Sessions Judge, Tirunelveli.
- 2.The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi District.
- 3.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.R.C.(MD)No.294 of 2023

21.04.2023