



Crl.R.C.(MD) No.313 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.313 of 2023

Velsamy

**... Petitioner/Petitioner/
Accused No.2**

Vs.

**The State represented by
The Inspector of Police,
Malli Police Station,
Virudhunagar District.
(Crime No.117 of 2022)**

**...Respondent/Respondent/
Complainant**

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order passed in Crl.M.P.No.912 of 2023 on the file of learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur dated 20.02.2023 and set aside the same as illegal and allow this criminal revision petition.

**For Petitioner : Mr.R.Karunanidhi,
For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl. side)**



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ORDER

This Criminal Revision is directed against the order passed in Crl.M.P.No. 912 of 2023 dated 20.02.2023 on the file of the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, dismissing the petition filed under Section 451 Cr.P.C.

2. The petitioner claims to be the owner of Tipper Lorry bearing Registration No.TN-95-A-5599. On 16.12.2022, the respondent police has registered a case in Crime No.117 of 2022 for the offences under Section 379 IPC and Section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957 and seized the above said vehicle bearing Registration No.TN-95-A-5599 for illegal transportation of rough stones.

3. It is not in dispute that the petitioner has approached the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur for returning of the said vehicle in Crl.M.P.No.912 of 2023 and the learned Principal District and Sessions Judge, vide order dated 20.02.2023, by observing that since the vehicle of the petitioner was involved in one previous case, has dismissed the



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petition. Aggrieved by the order of dismissal, the petitioner has now come forward with the present revision.

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

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner is not having any previous cases for similar offence and that the said vehicle was involved in one previous case.

6. The learned counsel appearing for the petitioner would submit that the petitioner's family is depending upon the income deprived from the above said vehicle and that the value of the vehicle will be deteriorated due to the exposure to sun and rain.

7. The learned counsel appearing for the petitioner would further submit that the original R.C. Book has been deposited before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputhur pertaining to



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the case in Crime No.78 of 2022 on the file of Srivilliputhur Town Police Station and that he is not in a position to produce the original R.C. Book and he has also filed an affidavit before this Court stating that the petitioner is ready to produce the photo copy of the R.C. book before the concerned Court.

8. Considering the facts and circumstances of the case and also 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 20.02.2023 passed in Crl.M.P.No.912 of 2023, by the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur.

9. Accordingly, this Criminal Revision Petition is allowed and the order dated 20.02.2023 in Crl.M.P.No.912 of 2023 in Crime No.117 of 2022 on the file of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, is hereby set aside and the vehicle/Tipper Lorry bearing Registration No.TN-95-A-5599, is ordered to be returned to the petitioner for



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interim custody of the petitioner forthwith on the following conditions:-

- (a) the petitioner is directed to 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, Virudhunagar District;
- (b) the petitioner shall execute a bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only), with two sureties for a likesum to the satisfaction of the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur;
- (c) the petitioner shall produce the photo copy of the R.C. book before the learned Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur;
- (d) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (e) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

26.04.2023

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

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To:-

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

**ORDER MADE IN
Crl.R.C.(MD)No.313 of 2023**

26.04.2023