



Crl.R.C.(MD) No.605 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.605 of 2023

K.Jeya Paul

... Revisionist/Petitioner

Vs.

State represented by
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.189 of 2021)

...Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order in Crl.M.P.No.3249 of 2021, dated 29.07.2021 on the file of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil and to accept the Xerox Copy of the RC Book to release the above vehicle instead of Original R.C Book as the original book already produced in the another case.



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For Petitioner : Mr.R.L.Dilipan Pandian
for Mr.S.Jebastin,

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Petition is directed against the order passed in Cr.M.P.No.3249 of 2021 dated 29.07.2021 on the file of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, dismissing the petition filed under Section 451 of Cr.P.C., for returning of the vehicle.

2. The petitioner claims to be the owner of the Tempo bearing Registration No.TN-74-AB-2536. On 31.03.2021, the respondent seized the vehicle viz., Tempo bearing Registration No.TN-74-AB-2536 as the same were used for transporting of red sand without any valid license or permit and registered a case in Crime No.189 of 2021 for the offence under Section 379.

3. The petitioner has filed a petition under Section 451 of Cr.P.C., seeking return of the vehicle and the learned Judicial Magistrate has dismissed the



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application. Challenging the dismissal order, the above Criminal Revision came to be filed before this Court.

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 case for similar offence and that the said vehicle was involved in one previous case. He would further submit that the value of the vehicle is Rs.2,00,000/-.

6. The learned counsel for the petitioner would submit that the vehicle bearing Registration No. TN-74-AB-2536 is owned by the petitioner, that the said vehicle has no connection whatever with the alleged occurrence, that if the vehicle is kept in open place, the value of the said vehicle will get deteriorated and that therefore interim custody may be granted to the petitioner.

7. Considering the above 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



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the vehicle will be deteriorated and no purpose will be served in keeping the vehicle in custody and that the vehicle in dispute was not involved in any other cases, this Court is inclined to allow the revision and thereby setting aside the impugned order dated 29.07.2021 passed in Cr.M.P.No.3249 of 2021, by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil.

8. Accordingly, this Criminal Revision Petition is allowed and the order dated 29.07.2021 in Cr.M.P.No.3249 of 2021 on the file of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, is hereby set aside and the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, is directed to release the vehicle of the petitioner forthwith on the following conditions:-

- (a) the petitioner is directed to deposit a sum of **Rs.35,000/- (Rupees Thirty Five Thousand only)** as non-refundable for the vehicle to the credit of the District Mineral Foundation Trust, Kanyakumari District, to preserve the environment
- (b) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)**, with two sureties for a likesum to the



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satisfaction of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil;

- (c) the petitioner shall produce the certified copy of the Registration Certificate of the vehicle before the learned Principal Sessions Judge, Kanyakumari District at Nagercoil;
- (d) the petitioner shall file an affidavit undertaking to produce the original Registration Certificate of the vehicle after the disposal of the case in Crime No.644 of 2020 on the file of the Thuckalay Police Station;
- (e) the petitioner shall not alienate and shall not make any alteration in the vehicle;
- (f) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;

12.07.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
das/csm



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K.MURALI SHANKAR, J.

das/csm

To:-

- 1.The Principal Sessions Judge,
Kanyakumari District at Nagercoil.
- 2.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
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12.07.2023