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Crl.R.C.(MD).No.1258 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.1258 of 2022

C.Justinraj

... Petitioner

Vs.

1.State Represented by
The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.

2.The Manager,
Indus Bank Limited,
Marthandam,
Kanyakumari District

... Respondents

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records pertaining to the order passed by the Principal District Court, Tirunelveli in Cr.M.P.No.8837 of 2022 dated 10.10.2022 and set aside the same and to return the petitioner's Tipper Lorry bearing Registration No.75-AT-9014 seized by the first respondent on 21.07.2022.

For Petitioner : Mr.T.Lenin Kumar
For Respondent : Mr.R.Suresh Kumar
Government Advocate (Crl. Side)



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ORDER

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This Criminal Revision Case has been filed to call for the records pertaining to the order passed by the Principal District Court, Tirunelveli in Cr.M.P.No.8837 of 2022 dated 10.10.2022 and set aside the same and to return the petitioner's Tipper Lorry bearing Registration No.75-AT-9014 seized by the first respondent on 21.07.2022.

2. The learned counsel for the revision petitioner submitted that the petitioner is the owner of the Tipper Lorry, bearing Registration No.TN-75-AT-9014. The first respondent seized the vehicle, on the allegation that the vehicle transported P-sand without any valid permit and registered a case in Crime No.75 of 2022 under Sections 279, 336, 379 of IPC and Sections 113(1), 114, 115, 194(1), 132, 177 of Motor Vehicles Act, 1988 and Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957. The petitioner claiming himself as the owner of the vehicle filed a petition under Section 451 of Cr.P.C in Cr.M.P.No.8837 of 2022, before the Principal District Court, Tirunelveli, for return of vehicle and the same was dismissed.

3. The learned counsel for the petitioner submitted that the first respondent police registered a case against one Ajin, who is the driver of the



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said vehicle in Crime No.75 of 2022 and he has filed anticipatory bail petition before this Court and this Court had granted anticipatory bail with certain conditions. After getting bail order, the driver of the said vehicle did not comply with the conditions and the trial court feels that the order was granted to the present petitioner and he was not complied with. Therefore, dismissed the said petition. Challenging the same, the present petition has been filed.

4. The learned Government Advocate submitted that during the course of investigation, it was found by the first respondent that the vehicle was seized from the accused person and remanded in R.P.R.No.318 of 2022 and the petitioner is not an accused in the above said crime number and he is the owner of the vehicle and also submitted that after obtaining the bail order, the driver of the vehicle did not comply with the condition.

5. It appears that the petitioner is the owner of the vehicle and there is no rival claim against him.

6. Considering the above facts and circumstances of the case and also the fact that the petitioner is the owner of the vehicle, the order of the



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Principal District Court, Tirunelveli made in Cr.M.P.No.8837 of 2022, dated 10.10.2022 is set aside and the learned Principal District Judge is directed to release the petitioner's vehicle by following proper procedure. The petitioner shall produce the original R.C.Book and file an 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.

In the result, this Criminal Revision Case is allowed.

05.01.2023

Index : Yes / No
Internet : Yes / No
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To,

1. Principal District Court, Tirunelveli.
2. The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA, J.

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