



Crl.R.C.(MD)No.510 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C.(MD)No.510 of 2024

Kopperundevi

... Petitioner

Vs.

State Through Inspector of Police,
CBCID Police Station,
Ramanathapuram.

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records and relating to the order passed in Cr.M.P.No. 1867 of 2023 in Spl.S.C.No.33 of 2023 by the learned Sessions Court (Fast Track Mahila Court), Ramanathapuram, dated 14.12.2023 and set aside the same and allow the criminal revision petition.

For Petitioner : Mr.Niranjana S.Kumar

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

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The Criminal Revision Case has been filed to call for the records and relating to the order passed in Cr.M.P.No.1867 of 2023 in Spl.S.C.No.33 of 2023 by the learned Sessions Court (Fast Track Mahila Court), Ramanathapuram, dated 14.12.2023 and set aside the same and allow the criminal revision petition.

2. The petitioner claims to be the owner of the vehicle/Maruti Swift bearing Reg.No.TN-65-BY-3211. The respondent seized the vehicle as the same was used to kidnap the victim girl and registered a case in Crime No.01 of 2023 for the offences under Sections 363, 366(A), 370 (4) of IPC and Section 5(1), 6(1),11(2) r/w. 12 and 17 of POCSO Act.

3. It is not in dispute that the petitioner has approached the learned Sessions Court (Fast Track Mahila Court), Ramanathapuram, for returning of the said vehicle in Cr.M.P.No.1867 of 2023 and the same was dismissed vide order dated 14.12.2023. Challenging the same, the above Criminal Revision came to be filed before this Court.



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4. The learned Counsel for the petitioner submits that the offences itself is not maintainable against the owner/petitioner and seeks interim custody of the vehicle kept in the custody and he also relied the judgment as follows:-

i)G.Arun Prasanna Vs. Elango and others in Crl.R.C.Nos. 295 & 296 of 2014;and

ii)Ginjala Naga Appala Raju Vs. State rep. by its the Inspector of Police in Crl.R.C.No.73 of 2022;

5. Heard, the learned Government Advocate (Crl.Side) and also perused the materials available on record.

6. This Court considered the rival submissions and also perused the records and the impugned order.

7. In this case, the vehicle was seized and also the vehicle is kept in the custody of the Court without making any proper maintenance. Considering the over all circumstances of the case, this Court is inclined to allow the revision by following the principle of law laid down by the Honourable Supreme Court, in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat*** reported in **2002 (10) SCC 283:**



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8. Accordingly, this Criminal Revision Petition is allowed and the order dated 14.12.2023 in Cr.M.P.No.1867 of 2023 in Spl.S.C.No.33 of 2023 on the file of the learned Sessions Court (Fast Track Mahila Court), Ramanathapuram, is hereby set aside and the learned Sessions Court (Fast Track Mahila Court), Ramanathapuram, is directed to release the vehicle of the petitioner forthwith on the following conditions:-

(i) the petitioner is directed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) as non-refundable for the vehicle to the credit of the **Head Master, Sethupathi Government Higher Secondary School, Tiruchuli, bearing Account No.: 30700985498, State Bank of India, Tiruchuli, IFSC Code: SBIN0003832, for the welfare of the children, on or before 29.07.2024, otherwise, impugned order shall automatically restored.**

(ii) on such deposit the petitioner shall execute a bond to the value of the vehicle mentioned in the insurance certificate existed on the date of occurrence before the learned Sessions Court (Fast Track Mahila Court), Ramanathapuram,



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(iii) the petitioner shall file an affidavit with specific undertaking that they shall not involve in any similar or any other offence and vehicle also will not be used in any illegal purpose;

(iv) the photograph of the vehicles is to be taken properly and the petitioner shall produce their vehicles as and when required by the Courts below;

(v) the petitioner shall not alienate the vehicle till the disposal of confiscation proceeding;

(vi) the investigating agency shall initiate the confiscation proceedings within a period of 10 days from the date of receipt of a copy of this order before the Courts below and the Courts below shall dispose the same within a period of six months thereafter; and

(vii) the petitioner shall co-operate with the trial Court to complete the confiscation proceedings.

9. Post the matter on 30.07.2024 for reporting compliance.

11.07.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To

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1. The Sessions Court (Fast Track Mahila Court),
Ramanathapuram.
2. The Inspector of Police,
CBCID Police Station,
Ramanathapuram.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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