

CrI.A(MD)No.393 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.A(MD)No.393 of 2025

Eswaran

... Appellant

Vs

1.The Deputy Superintendent of Police,
Aruppukottai Sub Division,
Virudhunagar District.

2.State of Tamil Nadu
Represented by
The Sub Inspector of Police,
Aviyur Police Station,
Virudhunagar District.

3.Muneeswaran

... Respondents

PRAYER: Appeal filed under Section 14-A(2) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, as against the order of dismissal passed by the learned Judge, Special Court for trial of SC/ST (POA) Act cases, Virudhunagar at Srivilliputhur in Cr.MP.No.100 of 2024 in Spl.SC.No.59 of 2024, dated 27.09.2024.

For Appellant : Mr.R.Venkatesan
For R1 & R2 : Mr.A.S.Abdul Kalam Asad
Government Advocate
R3 : Mr.D.Rajaboopathy



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JUDGMENT

The appellant is the owner of a two wheeler bearing Registration No.TN 63 BD 7036. His brother, namely, Parameswaran was said to have taken his vehicle to Aviyur Village on 25.03.2024. On that day, there was an incident, wherein, the appellant's brother along with three others have assaulted the third respondent herein. On the complaint of the third respondent, the second respondent police has registered a criminal case as against this appellant's brother in Crime No.37 of 2024, for the offence under Sections 341, 394(b), 323, 109 A IPC and Section 3(1)(r), 3(1)(s), 3(2)(Va) of SC/ST (POA) Act. The appellant's brother (A2) has taken his vehicle at the time of occurrence and therefore, the vehicle was seized by the respondent police that this vehicle has been used for the commission of offence. Since this appellant's vehicle was remanded before the Special Court for trial of SC/ST(POA) Cases, Virudhunagar District, Srivilliputhur, the appellant herein has moved an application under Section 451 of Cr.P.C, for return of vehicle in Cr.MP.No.100 of 2024 in Spl.SC No.59 of 2024 and the learned Judge has also allowed that petition as under:-

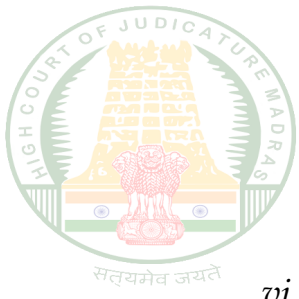
"In the result, this petition is allowed thereby this Court is ordered to give interim custody of the two wheeler bearing No. TN 63BD 7036 to the petitioner herein with the following conditions:-



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- i. *The petitioner should execute a bond for Rs.1,00,000/- with two sureties for the like sum each.*
- ii. *The petitioner should hand over the original R.C.Book of the above said Pulsar two wheeler bearing Reg.No.TN 63 BD 7036 in the Court.*
- iii. *A Panchanama in Judicial Form No.82 as per Rule 257(1) of Criminal Rules of Practice with the photographs of the vehicle with any special description marks shall be prepared to be filed with records.*
- iv. *The petitioner should produce the above said two wheeler bearing Reg.No.TN 63 BD 7036 before the Court on the first working day of every English month at about 10.a.m.*
- v. *If the court directs the petitioner to produce the vehicle, the petitioner should produce the above said two wheeler bearing Reg.No.TN 63 BD 7036 before the Court immediately.*



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vi. The petitioner shall file an affidavit of undertaking the property will not be alienated, encumbered or altered in any manner until further orders."

The appellant has preferred this Criminal Appeal as against the condition No.4, wherein, this appellant was directed to produce the vehicle before the trial Court on the first working day of every English month at about 10.a.m..

2.The learned counsel for the appellant submits that the appellant is residing at Tirupuvanam Village, Sivagangai District. He is working as a Coolie. Since the occurrence was taken place at Aruppukottai, the case was registered on the file of the second respondent police under SC/ST Prevention of Atrocities)Act, 1989. The final report was also filed and the same was taken on file by the Special Court for trial of Cases under SC/ST (POA) Act, Virudhunagar District, Srivilliputhur in Spl.S.C.No.59 of 2024. According to the learned counsel, the distance between his native place at Tirupuvanam Village and Srivilliputhur is around 200 kms. Since he is working as a Coolie, it is very difficult for him to take the vehicle for such a long distance and produce it before the trial Court on every month, which would not only cause financial constrain but also time constrain. He further submits that the appellant would comply with all other conditions and he also undertakes to produce the vehicle before Thirupuvanam Police Station once in a month.



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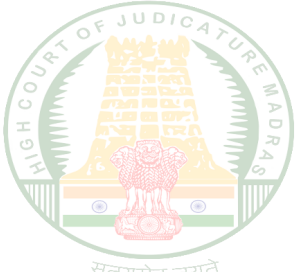
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3.Mr.A.S.Abdul Kalam Azad, learned Government Advocate takes notice for R1 and R2 and submits that he is not having any objections for producing the vehicle before Thirupuvanam Police Station.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.It is not known how this vehicle has been seized by the respondent police as if it has been used for the commission of offence. It appears that a clash broke out between the accused and the defacto complainant, while grassing the goats. The respondent police has unnecessarily seized the appellant's vehicle and remanded to judicial custody. In fact, this appellant is not an accused. He claims that he is residing at Thirubuvanam and working as a coolie and therefore, he finds it difficult to travel such a long distance and produce his vehicle before the trial Court once in a month.

6.In view of the above, this Criminal Appeal is allowed and the Condition No.4 imposed by the trial Court Cr.MP.No.100 of 2024 in Spl.SC.No.59 of 2024, dated 27.09.2024 alone is modified to the effect that this appellant shall produce the vehicle



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bearing Registration No.TN 63 BD 7036, before the Sub Inspector of Police, Thirupuvanam Police Station, Sivagangai, on the first working day of every English calendar month at 10.a.m., pending trial. It is made clear that the other conditions imposed by the trial Court are ordered to be strictly complied with by the appellant.

sd/-
27/03/2025

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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN
TO

- 1 THE JUDGE,
SPECIAL COURT FOR TRIAL OF SC/ST(POA)ACT CASES,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
ARUPPUKOTTAI SUB DIVISION,
VIRUDHUNAGAR DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
AVIYUR POLICE STATION,
VIRUDHUNAGAR DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE SUB INSPECTOR OF POLICE,
THIRUPUVANAM POLICE STATION, SIVAGANGAI.



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WEB COPY +1. C.C. to R.VENKATESAN Advocate SR.No.20786(F) DATED 28/03/2025

ORDER
IN
CRL A(MD) No.393 of 2025
Date :27/03/2025

SS/SAR- /07/04/2025/ 7P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023