

In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. P.Vadamalai, B.Com., B.L.,

Principal Sessions Judge, Madurai.

Saturday, this the 23rd day of January -2021.

Crl.M.P.No.501/2021

V.Chinnappa, S/o.Villan

... Petitioner / Owner of the Property.

Vs

State through the Inspector of Police,

Kottampatti P.S. Cr.No.457/2020

... Respondent/Complainant.

This petition taken up today for hearing the arguments of Thiru.K.Boominathan, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following.

Order

1. The petition filed u/s. 457 and 451 of Cr.p.c.
2. Heard both sides.

3. The counsel for the petitioner submit that a case has been registered against the petitioner/accused under section **379 of IPC r/w 22(5) of MMDR Act of Kottampatti P.S. Cr. No.457/2020**. The petitioner is the owner of the **TVS +L super bearing Registration No. TN 59 BZ 9747** which was seized by the respondent police and the same was kept in the police station in the open space for long time. The vehicle was seized on 19.6.2020 and the petitioner was released on bail on his bond by the respondent police. If the vehicle is not returned to the petitioner, it will get damage due to the sun light and rain and hence he filed petition u/s. 457 and 451 of Cr.p.c.

4. The learned Public Prosecutor while advancing his argument has submitted that tractor was used by the accused to commit the offence of theft of one unit of sand, without any permit and the vehicle was seized by the respondent police station. He has raised strong objection to return the vehicle to the petitioner, as the case is registered under sections 379 of IPC r/w 22(5) of MMDR Act.

5. A perusal of F.I.R., clearly shows that the accused has committed the theft of sand and transported in his two wheeler. It is stated that the two wheeler is used for the agriculture purpose and if the vehicle is not returned to the petitioner, it will get damage due to the sun light and rain. The vehicle is in custody for more than seven months. Investigation is almost over. The learned Public Prosecutor has no objection to return the vehicle on condition. There is no use to keep the two wheeler in custody for a long time. Therefore, this Court has no hesitation to return the two wheeler to the petitioner on interim custody.

6. In the result, the petition is allowed with following conditions:-

(i) The respondent police is directed to remand the **TVS +L super bearing Registration No. TN 59 BZ 9747**.

(ii) The **TVS +L super bearing Registration No. TN 59 BZ 9747** is ordered to be returned to the petitioner, on interim custody on production of the original RC book and other original purchase deed and on payment of cash surety of **Rs.5,000/-** and on his executing a own bond for **Rs.40,000/- with one surety** to the satisfaction of Judicial Magistrate, Melur after obtaining the panchanama of the vehicle;

(iii) The petitioner is directed to give an undertaking to produce the vehicle before the court as and when required by the Court; and

(iv) The petitioner should not dispose of the same and should not effect any material changes without the written permission of the court concerned.

(v) After obtaining the bond from the petitioner, the Judicial Magistrate, Melur is directed to give suitable instruction to the SHO concerned, to hand over the vehicle to the petitioner.

Pronounced by me in Open Court on the 23rd day of January -2021.

Sd/- P.Vadamalai

Principal Sessions Judge, Madurai

Copy to

1. The J.M.Melur.
2. The Inspector of Police, Kottampatti P.S.
3. The Petitioner through his counsel.