

ITEM NO.40

COURT NO.5

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 7262/2023

(Arising out of impugned final judgment and order dated 25-03-2022 in CRLRC No.381/2022 passed by the High Court of Judicature at Madras)

PERICHI GOUNDER

Petitioner(s)

VERSUS

TAMIL NADU STATE

Respondent(s)

(IA No. 106308/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 106312/2023 - EXEMPTION FROM FILING O.T.)

Date : 19-07-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Ms. Haripriya Padmanabhan, Sr. Adv.
Mr. Karuppaiah Meyyappan, Adv.
Mr. Raghunatha Sethupathy B, AOR
Ms. Kanika Kalaiyarasan, Adv.
Mr. Sabari Bala Pandian, Adv.
Mr. Abhishek Kalaiyarasan, Adv.

For Respondent(s) Mr. D. Kumanan, AOR
Mrs. Deepa. S, Adv.
Mr. Sheikh F. Kalia, Adv.
Mr. Chinmay Anand Panigrahi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Heard Ms. Haripriya Padmanabhan, learned senior counsel appearing for the petitioner. The State of Tamil Nadu is represented by Mr. D. Kumanan, learned counsel.

2. Following the FIR No.478/2021 registered at Police Station-Karimangalm, the TATA Tipper Lorry (TN 29BF 4914) was seized. The same is kept in Court's custody since September, 2021.

3. The petitioner is the registered owner of the lorry and his application filed under Section 451 Cr.P.C. was rejected by the learned Sessions Court vide its order dated 22.1.2022. Refusal was on the ground that the investigation of the case has not yet been completed.

4. The challenge to the said order by the lorry owner was rejected by the impugned order dated 25.3.2022. The court noted that the proceedings for confiscation is provided under the Mines and Minerals Act, 1957.

5. We have heard the submissions of learned counsel for the parties.

6. Keeping a vehicle like a Tipper Lorry idle is not serving anybody's interest. It is resulting in damage to the stationary vehicle which is kept within the Magistrate Court complex. Public spaced is also occupied.

7. Considering the above, we deem it appropriate to order for release of the TATA Tipper Lorry vehicle with registration No.TN 29BF 4914. The release will be however be subject to the petitioner (registered owner) furnishing a bond of Rs.5,00,000/- (Rupees five lakhs only) to the satisfaction of the Trial Court with an undertaking that the vehicle would be produced before the Court as and when required. The owner of the vehicle should not also create any third party right for the vehicle in question.

8. With the above order, the special leave petition stands allowed to the extent indicated.

9. Pending applications stand disposed of.

(RASHMI DHYANI PANT)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR