

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Crl.R.C.No.1116 of 2016

R.Anand Kumar

... Petitioner/Petitioner

Vs.

State Rep. by Inspector of Police,
PEW Police,
Hosur,
Krishnagiri District.

... Respondent/Complainant

Prayer: Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure, to set aside the order passed in Crl.M.P.No.3904 of 2016, dated 01.09.2016 on the file of the Judicial Magistrate Court-II, Hosur, and to direct the Court below to return the property in Crime No.542 of 2016 on the file of the respondent.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mrs.M.F.Shabana,
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case is directed against the order dated 01.09.2016 passed by the learned Judicial Magistrate No.II, Hosur, in Crl.M.P.No.3904 of 2016, dismissing the petition filed by the petitioner for return of the vehicle to his interim custody.

2. The learned counsel for the petitioner would mainly contend that the petitioner is the owner of the vehicle viz., Innova Car bearing Registration No.KA-03, MW-6477 and he is not an accused in this case. The case was registered against the driver of vehicle. It is further contended that without the knowledge of the petitioner, the accused drove the vehicle and had possession of KA BUDWEISER TIN BEER 500 MLX16, MANSION HOUSE BRANDY 750 MLX4, SIMRN OFF VODKA 750 MLX126 and only after the arrest of the accused/driver of the vehicle, the petitioner has

knowledge about the illegal activities of the accused and also about the seizure of the vehicle. The learned counsel for the petitioner also contended that the learned Magistrate, without considering the above facts and also without applying the mind, had erroneously dismissed the petition filed for interim custody of the vehicle and hence, he prayed that the order passed by the learned Judicial Magistrate No.II, Hosur, may be set aside and this Criminal Revision Case may be allowed and the vehicle i.e., Innova Car bearing Registration No.KA-03, MW-6477 may be returned to the petitioner.

3. The learned Government Advocate (Crl.Side) would contend that the learned Magistrate, after considering the entire facts and circumstances of the case and also considering the pendency of the confiscation proceedings before the competent authority, correctly dismissed the petition filed by the petitioner. Therefore, there is no illegality or infirmity in the order passed by the learned Judicial Magistrate No.II, Hosur, and hence, the learned Government Advocate prayed that the criminal revision case may be dismissed.

4. This Court considered the submissions made by the learned counsel on either side and perused the records.

5. On a perusal of the order of the trial Court, it is clearly seen that before the Additional Superintendent of Police, confiscation proceedings is pending and show cause notice also was issued to the owner of the vehicle and the RTO assessed the value of the vehicle at Rs.8,50,000/- and the matter was informed to the revision petitioner, who is the owner of the vehicle. Since the confiscation proceedings is pending before the competent authority, there is no question of returning the vehicle to the petitioner and on that ground, the trial Court dismissed the petition filed for return of the vehicle to the interim custody of the petitioner.

6. Considering the facts and circumstances of the case, this Court is also of the considered view that since the confiscation proceedings is pending before the competent authority and confiscation of property is in progress and notice was issued to the petitioner, the argument of the learned counsel for the petitioner that the property has to be returned to the petitioner for his interim custody is not at all acceptable. There is no infirmity or illegality in the order dated 01.09.2016 passed by the learned Judicial Magistrate No.II, Hosur, in Crl.M.P.No.3904 of 2016. This Court finds no reason to interfere with the order passed by the learned Judicial Magistrate No.II, Hosur, which does not warrant any interference

by this Court and hence, the criminal revision case is liable to be dismissed and accordingly, this Criminal Revision Case is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

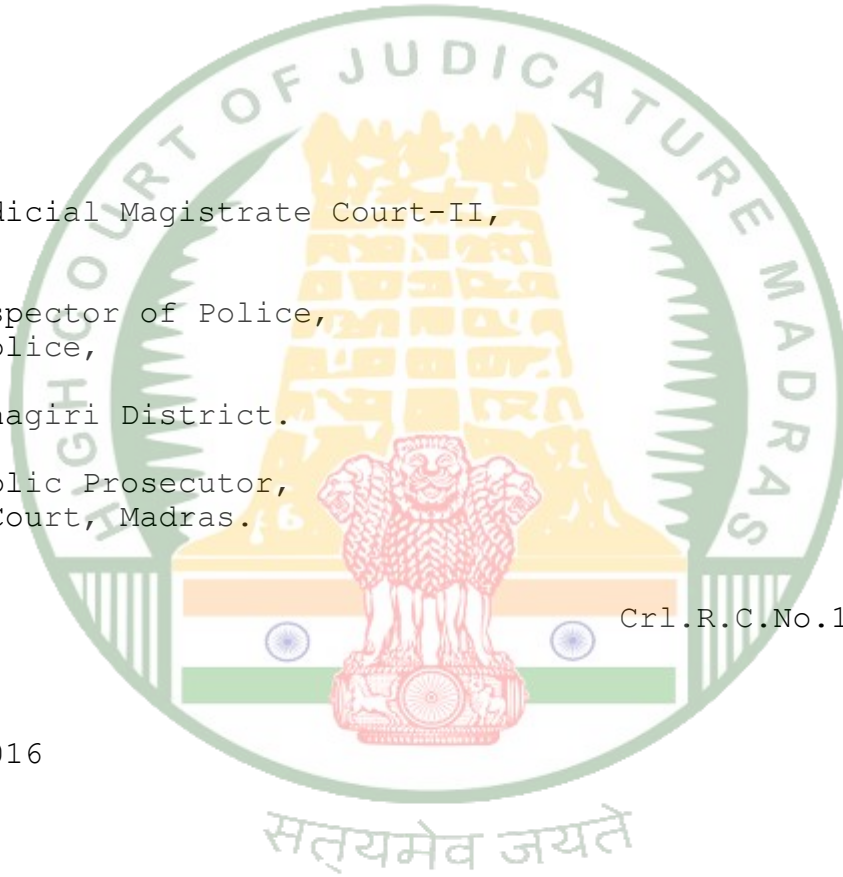
Jr1

To

1. The Judicial Magistrate Court-II,
Hosur.
2. The Inspector of Police,
PEW Police,
Hosur,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.1116 of 2016

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