

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.11.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1305 of 2016

Kalaiselvi
W/o.Iyyappan

.. Petitioner

Vs

State by
The Inspector of Police,
Prohibition Enforcement Wing,
Kottakuppam, Villupuram District. .. Respondents

Criminal Revision filed under sections 397 and 401 of Criminal Procedure Code to call for the records on the file of the learned District Munsif cum Judicial Magistrate, Vanur in Crl.M.P.No.790 of 2016 dated 30.08.2016 and set aside the order.

For Petitioner : Mr.E.Kannadasan
For Respondent : Mr.K.Madhan, Govt. Advocate
(Crl.side)

O R D E R

The petitioner challenges the order of the learned District Munsif cum Judicial Magistrate, Vanur, passed in Crl.M.P.No.790 of 2016 dated 30.08.2016, rejecting the petition filed for return of vehicle.

2. The respondent has seized a Hero Honda Splendor Pro vehicle bearing Registration No.PY 01 CB 4425 belonging to the petitioner in connection with the case registered in Crime No.408 of 2016 on its file for offence under Section 4(1)(a) T.N.P. Act. The petitioner has moved Crl.M.P.No.790 of 2016 before the learned District Munsif cum Judicial Magistrate, Vanur, Villupuram District, seeking return of the vehicle. Such petition came to be dismissed under orders of the Court below dated 30.08.2016 and hence, this revision.

3. Heard learned counsel for the petitioner and learned Government Advocate (Crl.side).

4. Learned counsel for the petitioner would seek to impress upon this Court that a false case stands foisted upon the petitioner. This Court is now concerned with return of

property, pure and simple.

5. Learned Government Advocate (Crl.side) submits that confiscation proceedings are pending under the T.N.P Act. He would further submit that the vehicle now is in the custody of Additional Superintendent of Police, PE Wing, Villupuram.

6. In the circumstances above stated, this Court would set aside the order of the Court below negating the return of vehicle. This court is of the considered view that no prejudice would be caused to the prosecution in the event of granting the relief of interim custody of the vehicle to the petitioner. Learned District Munsif cum Judicial Magistrate, Vanur, Villupuram District, shall direct the Additional Superintendent of Police, PE Wing, Villupuram, to return the vehicle to the petitioner on fulfilling the following conditions:

- i.the petitioner shall establish the ownership of the vehicle by producing necessary original certificates before the respondent police and as well as before the learned District Munsif cum Judicial Magistrate and the learned Magistrate on verification, shall retain the original documents, if necessary and cause forwarding thereof to the confiscating authority in the event of confiscation;
- ii.the petitioner shall not alienate the vehicle in any manner till adjudication is over;
- iii.the petitioner shall execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned District Munsif cum Judicial Magistrate , Vanur , Villupuram District; and
- iv.the petitioner shall also give an undertaking that she will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the confiscating authority.

In the event of confiscation, the petitioner's rights shall be governed by the provisions of the T.N.Prohibition Act.

7. Accordingly, the Criminal Revision is ordered.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Munsif cum Judicial Magistrate,
Vanur, Villupuram District.

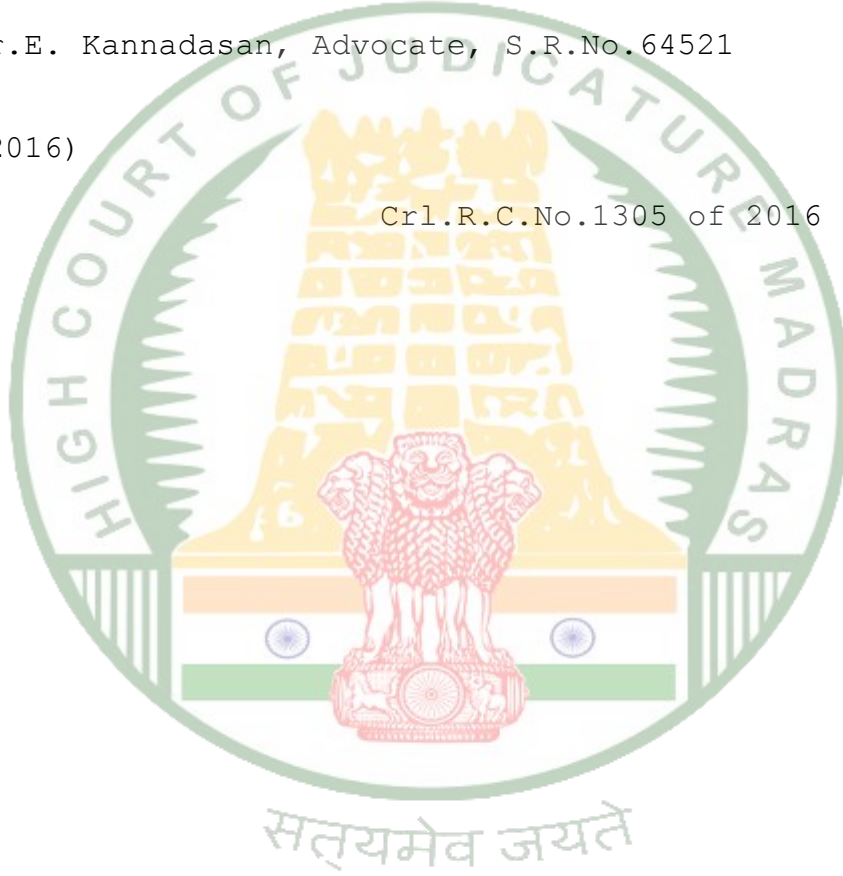
2.The Inspector of Police,
Prohibition Enforcement Wing,
Kottakuppam, Villupuram District.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.E. Kannadasan, Advocate, S.R.No.64521

ksj (CO)
md(10/12/2016)

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