

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1324 of 2016

Jothi

... Petitioner/Petitioner
(Owner of the Vehicle)

Vs

State represented by
The Inspector of Police,
Kalappal Police Station
Thiruvarur District.
Crime No.49 of 2015

... Respondent/Respondent
/Complainant

Criminal Revision filed under sections 397 and 401 of Criminal Procedure Code against the order dated 17.06.2016 in Crl.M.P.No.2818 of 2016 in S.T.C.No.1696 of 2015 passed by the learned Judicial Magistrate No. I, Mannargudi, Thiruvarur District.

For Petitioner : Mr.A.Praveen Kumar

For Respondent : Mr.K.Madhan,
Government Advocate (Crl.side)

O R D E R

The petitioner challenges the order of the learned Judicial Magistrate No.I, Mannargudi, Thiruvarur District, passed in C.M.P.No.2818 of 2016 dated 17.10.2016, rejecting the petition filed for return of vehicle.

2. The respondent has seized a Hero Honda Splendor Plus bearing registration No.TN-50-X-2371 belonging to the petitioner in connection with the case registered in Crime No.49 of 2015 on its file for offence under Section 4(1)(a) of the TNP Act. The petitioner has moved Crl.M.P.No.2818 of 2016 before the learned Judicial Magistrate No.I, Mannargudi, Thiruvarur District, seeking return of the vehicle. Such petition came to be dismissed under orders of the Court below dated 17.06.2016 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 action towards confiscation is now being initiated.

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 Judicial Magistrate No.I, Mannargudi, Thiruvarur District, is directed to return the vehicle viz., Hero Honda Splendor Plus bearing registration No.TN-50-X-2371 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 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 Judicial Magistrate No.I, Mannargudi, Thiruvarur 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.

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

8. Accordingly, the Criminal Revision is ordered.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate No.I,
Mannargudi,
Thiruvarur District.

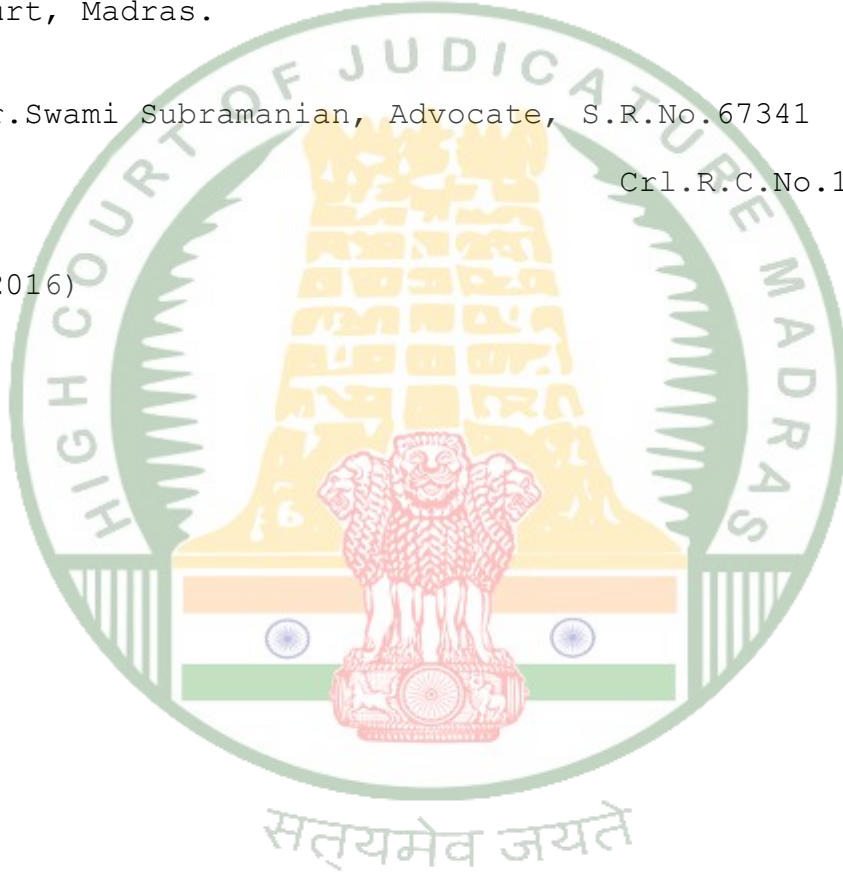
2.The Inspector of Police,
Kalappal Police Station
Thiruvarur District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Swami Subramanian, Advocate, S.R.No.67341

Cr1.R.C.No.1324 of 2016

NMI (CO)
CA(22/12/2016)



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