

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.12.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.1441 of 2016

Govindammal

...Petitioner/Petitioner

Vs

State represented by
Inspector of Police,
Karumanthurai Police Station,
Salem District.
(Crime No.51 of 2016).

...Respondent/Respondent

Criminal Revision filed under sections 397 r/w 401 of Criminal Procedure Code to set aside the order of the Judicial Magistrate No.2, Attur, in C.M.P.No.2375 of 2016 dated 06.09.2016 and direct the respondent to hand over the Vehicle (Ashok Leyland) bearing Registration No.TN-15V-7733, Engine No.YGH026216P, Chasis No.MBIAA22F6GRY37002 seized on 16.08.2016 by the respondent in Crime No.51 of 2016 to the petitioner.

For Petitioner : M/s.R.Asaithambi

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

O R D E R

Petitioner challenges the order of Judicial Magistrate No.2, Attur, in C.M.P.No.2375 of 2016 dated 06.09.2016 and to seeks a direction to the respondent to hand over the Vehicle (Ashok Leyland) bearing Registration No.TN-15V-7733, Engine No.YGH026216P, Chasis No.MBIAA22F6GRY37002 seized on 16.08.2016 by the respondent in Crime No.51 of 2016 to the petitioner.

2. Respondent has seized a Vehicle (Ashok Leyland) bearing registration No.TN-15V-7733, Engine No.YGH026216P, Chasis No.MBIAA22F6GRY37002 belonging to the petitioner in connection with the case registered in Crime No.51 of 2016 on its file for offence under Section 4(1)(aaa) 4(1-A) of the TNP Act. Petitioner has moved Crl.M.P.No.982 of 2016 before learned Judicial Magistrate No.2, Attur, seeking return of the vehicle. Such petition came to be dismissed under orders of the Court below dated 06.09.2016. Hence, this revision.

3. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

4. Learned counsel for 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 Additional Public Prosecutor 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 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 petitioner. Learned Judicial Magistrate No.2, Attur, is directed to return the vehicle viz., Vehicle (Ashok Leyland) bearing registration No.TN-15V-7733, Engine No.YGH026216P, Chasis No.MBIAA22F6GRY37002 to 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 in a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of Learned Judicial Magistrate No.2, Attur,; and
- iv.the petitioner shall also give an undertaking that he 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 T.N.Prohibition Act.

8. The Criminal Revision is disposed of with the above direction.

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

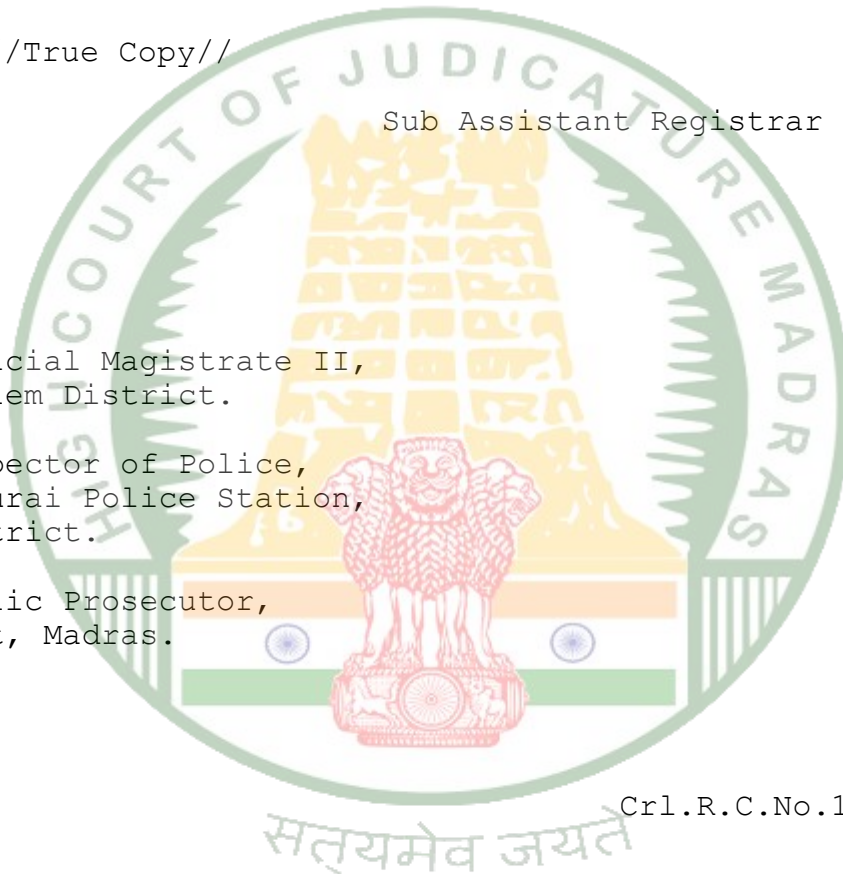
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To

1.The Judicial Magistrate II,
Attur, Salem District.

2.The Inspector of Police,
Karumanthurai Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.



Cr1.R.C.No.1441 of 2016

VGI (CO)
PSI (28/12/2016)

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