

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.22 of 2016

S.Jainulabudeen

.. Petitioner

vs.

State Represented by
The Inspector of Police
Central Crime Branch
EDF II, Team IV
Vepery, Chennai - 7

.. Respondent

Criminal Revision filed under section 397 and 401 Cr.P.C. to set aside the order made on 03.11.2015 in Crl.M.P.No.5874 of 2015 in CCB Crime No.58 of 2015 on the file of the Chief Metropolitan Magistrate, Allikulam, Chennai-3.

For Petitioner : Mr.V.Govindaraj

For Respondent : Mr.C.Iyyapparaj
Government Advocate (Crl.side)

O R D E R

The petitioner challenges the order of the learned Chief Metropolitan Magistrate, Allikulam, Chennai passed in C.M.P.No.5874 of 2015 dated 03.11.2015, rejecting the petition filed for return of vehicle.

2. The respondent has seized a Maruti Swift VXI BS IV bearing Registration No.TN-04-AP-7296 belonging to the petitioner in connection with the case registered in CCB Cr.No.58 of 2015 on its file for offences under Sections 420, 468 r/w. 34 IPC. The petitioner has moved C.M.P.No.5874 of 2015 before the learned Chief Metropolitan Magistrate, Allikulam, Chennai, seeking return of the vehicle. Such petition came to be dismissed under orders of the Court below dated 03.11.2015 and hence, this revision.

3. Heard learned counsel for the petitioner and learned Additional Public Prosecutor.

4. Learned counsel for the petitioner would seek to impress upon this Court that a false case stands foisted upon the petitioner.

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 Chief Metropolitan Magistrate, Allikulam, Chennai, is directed to return the vehicle viz., Maruti Swift VXi BS IV bearing No.TN-04-AP-7296 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 Chief Metropolitan Magistrate, Allikulam, Chennai; 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 the T.N.Prohibition Act. It is made clear that if towards fixing the value of the vehicle the confiscating authority requires production thereof, he may serve notice on the petitioner requiring him to produce the vehicle and the same shall be complied with by the petitioner.

8. Accordingly, the Criminal Revision is ordered.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gpa

To

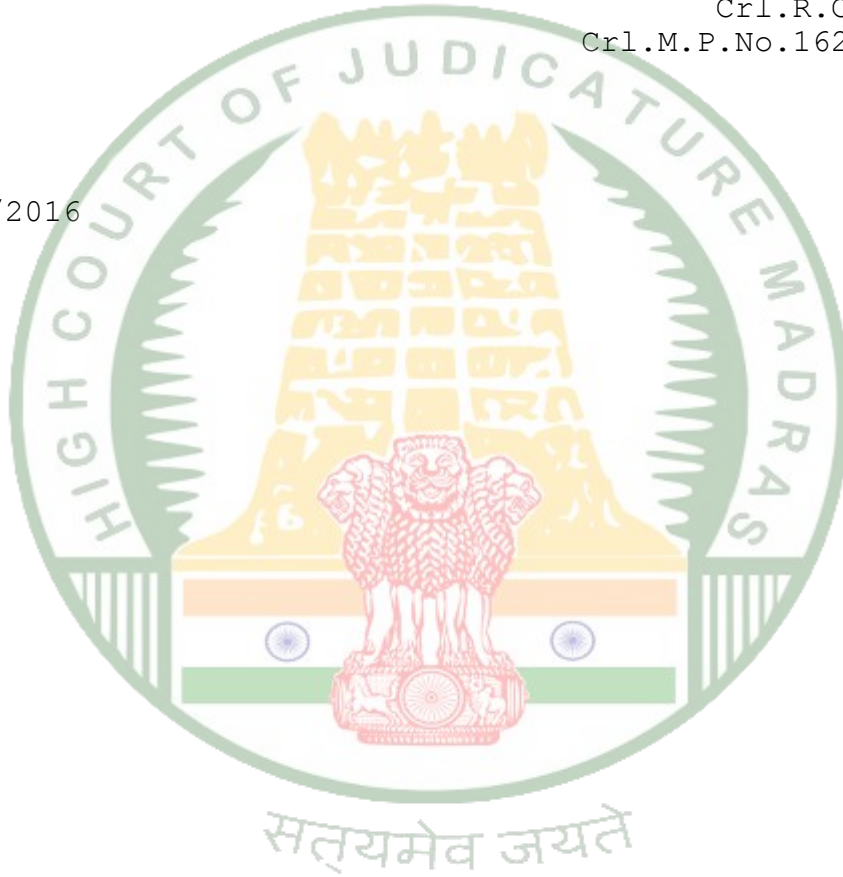
1. The Chief Metropolitan Magistrate
Allikulam, Chennai

2.The Public Prosecutor
High Court, Madras.

+1cc to M/S B.R.SHANKARALINGAM, Advocate Sr.1462

Cr1.R.C.No.25 of 2016 &
Cr1.M.P.No.162 and 163 of 2016

SK(CO)
RVR 29/01/2016



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