



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE P.DEVADASS

C.R.L.RC(MD) No.394 of 2016

K.Oorkavalsami

... Petitioner / Petitioner

-vs-

State, rep.by

The Special Sub Inspector of Police

Vembakkottai Police Station

Virudhunagar District

(Crime No.76 / 2016)

... Respondent / Respondent

PRAYER: Criminal Revision Petition is filed, under Section 397 and 401 Cr.P.C., to call for the records and set aside the order passed by the learned Judicial Magistrate Court No.II, Sattur, in CrI.M.P.No.3322 of 2016, on 31.05.2016.

For Petitioner: Mr.G.Marimuthu

For Respondent: Mrs.S.Prabha

Govt.Advocate (CrI.Side)

O R D E R

This matter is squarely covered by the Apex Court's Judgment in ***Sunderbhai Ambalal Desai v. State of Gujarat [2003 (1) CTC 175 (SC)]***.

2. The revision petitioner herein is the registered owner of Tractor (TN59 J9210) and Trailer (TN65 C6195), which have been used in the commission of the offence. The said vehicle has been seized and have been concerned in this case.

3. The revision petitioner moved the learned Judicial Magistrate No.II, Sattur, by filing Cr.M.P.No.3322 of 2016 for return of vehicle to him.

4. The learned Judicial Magistrate No.II, Sattur, by his Order dated 31.05.2016, turned down the revision petitioner's request noting down that already proceedings have been initiated before



the Revenue Authorities to confiscate the said vehicle to the State.

5. Aggrieved, this revision has been directed by the vehicle owner.

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6. The learned counsel for the revision petitioner submitted that the vehicle has been kept idle. They are being kept in open sky. Ultimately, it will become a scrap-value. The revision petitioner will participate in the confiscation proceedings. If any adverse order is passed, he will challenge it before the competent authority.

7. The learned Government Advocate (Criminal Side) reiterated the very same contentions, which were placed before the learned Magistrate.

8. I have anxiously considered the rival submissions, perused the impugned order and also the materials on record.

9. In the circumstances, ordered as under:

i. This criminal revision is allowed.

ii. The Order, dated 31.05.2016, passed in CrI.M.P.No.3322 of 2016, by the learned Judicial Magistrate No.II, Sattur, is set aside.

iii. The learned Magistrate, will give interim custody of Tractor (TN59 J9210) and Tractor (TN65 C6195) to the revision petitioner.

iv. The revision petitioner will execute a personal bond for Rs.3,00,000/- (Rupees three lakhs only) to the satisfaction of the said Magistrate. It is made clear that no property document, Solvency Certificate from Tahsildar or surety shall be insisted upon.

v. It is made clear that this interim custody is subject to the proceedings initiated before the Competent Authority. If any adverse order is passed, it is open to the revision petitioner to challenge it before the appropriate forum in a manner known to law.

vi. The said vehicle shall be photographed, the signature of the revision petitioner shall be obtained and they shall be kept in the case records.



vii.Until final property order is passed by the said Magistrate or the authority before whom confiscation proceedings are pending, the revision petitioner shall not dispose of, alter or change the vehicle.

viii.The revision petitioner shall cause the production of vehicle as and when so ordered by the said Magistrate.

Sd/
Assistant Registrar(AS

/True copy/

Sub Assistant Registrar

To:

- 1.The Judicial Magistrate No.II, Sattur.
- 2.The Government Advocate (Criminal Side)
Madurai Bench of Madras High Court, Madurai.
- 3.The Special Sub Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.

+1cc to Mr.G.Marimuthu, Advocate in SR.No.31773

SDR/SKS-RR/01.07.2016/3P/5C

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