



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.S.RAVI

Criminal Revision Case(MD) No.45 of 2016

B.Saravanan

... Petitioner

Vs.

State rep. by
The Sub Inspector of Police,
Jaihindpuram Police Station,
Madurai.

in Crime No.255 of 2015

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 and 401 of Cr.P.C. to call for the records pertaining to the Cr.M.P.No.163 of 2016 on the file of the learned Judicial Magistrate No.IV, Madurai, by an order dated 27.01.2016 and set aside the same and direct the concerned Court to return the seized vehicle bearing registration Number TN 58 W 4066. Maruti Suzuki Swift with suitable condition.

For Petitioner :Mr.K.R.Laxman

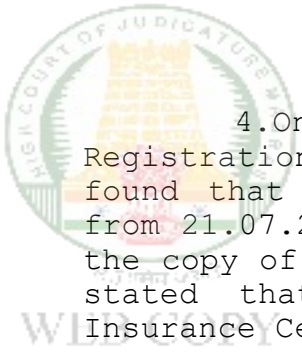
For Respondent :Mr.P.Kandasamy, G.A. (Crl. Side)

O R D E R

This is a revision filed by the petitioner to set aside the order passed by the Court of Judicial Magistrate No.IV, Madurai, in Cr.M.P.No. 163 of 2016 by order dated 27.01.2016 and also to return the vehicle bearing Registration TN 58 W 4066. Maruti Suzuki Swift with suitable condition.

2.It is clearly pointed out in the grounds of revision that the respondent has filed a case against the petitioner herein for the alleged offence under Sections 4(1)(a) of Tamil Nadu Prohibition Act (Transport), as per the F.I.R. Dated 16.01.2016. Further, it is stated that the respondent police has arrested the petitioner and seized his car (Maruthi Suzuki Swift) bearing Registration No.TN 58 W 4066 with military liquor bottles.

3. Further it is stated in the grounds of revision that the said vehicle is exclusively belonged to the petitioner and the Form of Certificate of Registration and the Insurance are standing in the name of the petitioner only. It is also pointed out that the respondent could not maintain the vehicle for a long time from the sun and rain and due to the said reasons, the condition of the vehicle would be deteriorated day-by-day and the petitioner would be put into great hardship and irreparable loss.



4. On a perusal of the copy of the Form of Certificate of Registration produced by the learned counsel for the petitioner, it is found that the Registration Certificate is valid for the said vehicle from 21.07.2010 to 21.07.2025. Further, the petitioner has also produced the copy of the Insurance Certificate for the said vehicle and he further stated that the original Form of Certificate of Registration and Insurance Certificate are in the custody of the respondent police.

5. The petitioner has rightly pointed out that the respondent could not maintain the said vehicle for a long time from the sun and rain and due to the said reasons, the condition of the vehicle would be deteriorated day-by-day and the petitioner would be put into great hardship and irreparable loss.

6. For the above mentioned reasons, this Court is inclined to grant interim custody of the said vehicle on proof of ownership and also on deposit of original Form of Certificate of Registration, if the originals is under the custody of the respondent police, the respondent police is directed to produce the same before the concerned Court, subject to the following conditions:

i) The interim custody of the vehicle bearing Registration No. TN 58 W 4066, is ordered to be entrusted to the petitioner till the disposal of the case, on executing a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a likesum to the satisfaction of the Judicial Magistrate No. IV, Madurai;

ii) The petitioner shall not alter, alienate or encumber, in any manner the said vehicle till the disposal of the case.

iii) The petitioner shall give an undertaking that he will not use the vehicle in question for illegal activities and also he will not indulge in such activities in future;

iv) It is made clear that it is for the Authorities concerned to take appropriate action against the petitioner, in case, he violates any one of the above conditions.

v) The petitioner is directed to produce the photocopy of the pension book, retired military men consumer stores pass book, military service discharge records to the concerned Court;

vi) The original Form of Certificate of Registration may be returned to the petitioner for specific purpose, temporarily, after getting necessary true copy of the same and again the original has to be returned back by the petitioner before the Court concerned, for safe custody, till the disposal of the case.

7. With the above mentioned observations, this petition is ordered, accordingly.

Sd/-
Assistant Registrar(R)

/True Copy/



To

1.The Judicial Magistrate No.IV,
Madurai.

2.The Sub Inspector of Police,
Jaihindpuram Police Station,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.K.R.Laxman, Advocate, SR.No. 7157

Cr1.R.C.(MD)No.45 of 2016
05.02.2016

AM/09.02.2016/NGM.SS/SAR-1/3P/5C