



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.GOKULDAS

Crl.R.C.(MD).No.694 of 2016

Ayyappan .. Petitioner/Petitioner

Vs.

The State,
Rep. by Sub Inspector of Police,
Prohibition Enforcement Wing (PEW PS.,)
Alangulam,
Thirunelveli District.
(Crime No.940 of 2016) .. Respondent/Respondent

Prayer:- Criminal Revision case is filed under Sections 397 and 401 of Cr.P.C. to call for the records from the learned District Munsif cum Judicial Magistrate, Shenkottai in Crl.M.P.No.6604 of 2016, dated 26.09.2016 and set aside the same and consequently direct the learned District Munsif cum Judicial Magistrate, Shenkottai to grant interim custody of vehicle viz., Hero Hunk two-wheeler bearing its Registration No.TN 76 AC 0795 to the petitioner.

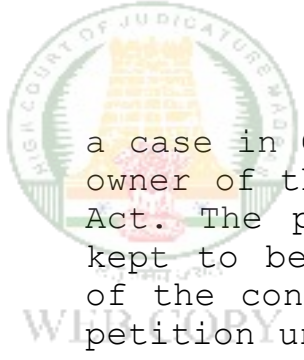
For Petitioner : Mr.M.Solaisamy
For Respondent : Mrs.S.Prabha,
Government Advocate (Criminal Side)

ORDER

This criminal revision case is filed to call for the records from the learned District Munsif cum Judicial Magistrate, Shenkottai, in Crl.M.P.No.6604 of 2016, dated 26.09.2016 and set aside the same and consequently direct the learned District Munsif cum Judicial Magistrate, Shenkottai to grant interim custody of vehicle viz., Hero Hunk two-wheeler bearing its Registration No.TN 76 AC 0795 to the petitioner.

2. The learned counsel for the petitioner and the learned Government Advocate (Criminal Side) on behalf of the State are present and heard.

3. The petitioner has purchased the above said vehicle from one Paramasivan and he is also taking steps to transfer the name of the owner of the vehicle through Form No.29. While so, on 14.08.2016, the respondent police seized the above-said vehicle and



a case in Crime No.940 of 2016 was registered against the previous owner of the vehicle under Section 4(1)(a) of Tamilnadu Prohibition Act. The petitioner has further stated that the said vehicle was kept to be exposed to sun and rain resulting in the deterioration of the condition day by day. Therefore, the petitioner has filed a petition under Sections 457 and 451 of Cr.P.C., seeking for interim custody of the vehicle. The learned District Munsif cum Judicial Magistrate, Shenkottai, dismissed the petition. Challenging the same, the present Criminal Revision Case has been filed.

4. This Court in a case of similar nature, in CrI.RC.(MD). No.563 of 2015, dated 09.12.2015, ordered return of vehicle to the petitioner therein subject to certain conditions.

5. Following the same, this Court is inclined to grant the relief of return of vehicle to the petitioner as interim custody and hence, the order passed by the learned District Munsif cum Judicial Magistrate, Shenkottai, in CrI.M.P.No.6604 of 2016, dated 26.09.2016 is set aside and the interim custody of the vehicle namely Hero Hunk two-wheeler bearing its Registration No.TN 76 AC 0795, which was seized by the respondent police in Crime No.940 of 2016 on the file of the respondent police, is directed to be given to the petitioner on the following conditions:-

- 1.The petitioner shall produce proof of ownership of the vehicle.
- 2.The Petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties to the satisfaction of the learned District Munsif cum Judicial Magistrate, Shenkottai.
- 3.The petitioner shall surrender the R.C. Book and the learned District Munsif cum Judicial Magistrate, Shenkottai, is at liberty to return the R.C.Book for renewal of the registration or for insuring the vehicle. The R.C.Book can be obtained from the Court by filing a petition and after accomplishment of the purpose, the same should be returned to the Court; and
- 4.The petitioner shall also filed an affidavit of undertaking to the effect that-
 - i)he will not alienate the vehicle without obtaining an order from the learned District Munsif cum Judicial Magistrate, Shenkottai.
 - ii) he will produce the same vehicle before the Court as and when summoned to produce the same; and
 - iii)no major alteration excepting the necessary repairs to make the vehicle road worthy shall be made.
- 5.The petitioner shall also give an undertaking to produce the vehicle as and when required by the District Collector/Prohibition Officer in-charge of the District or Officer authorized in that behalf by the Government."



6. The Civil Revision Case stands allowed in the above terms.

Sd/
Assistant Registrar(RTI)

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/TRUE COPY/

Sub Assistant Registrar(CS)

To

- 1.The Sub Inspector of Police,
Prohibition Enforcement Wing (PEW PS.,)
Alangulam,Thirunelveli District.
- 2.The District Munsif cum Judicial Magistrate,
Shenkottai.
- 3.The Government Advocate (Criminal Side),
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.Solaisamy, Advocate in SR.No.80597.

Cr1.R.C. (MD) .No.694 of 2016
09.12.2016

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