



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 08.12.2016

CORAM

THE HONOURABLE MR.JUSTICE B.GOKULDAS

CRL.R.C (MD) No.810 of 2016

Ramaiah

... Revision Petitioner/Petitioner

Vs

The State,
Rep. By the Sub-Inspector of Police,
Mamsapuram Police Station,
Srivilliputhur Taluk,
Virudhunagar District.
(Crime No.182 of 2016)

... Respondent/Respondent

Prayer: Criminal Revision Case has been filed under Section 397 r/w 401 of the Code of Criminal Procedure, 1973, to call for the records relating to Cr.M.P.No.3745 of 2016 on the file of the Judicial Magistrate No.II, Srivilliputhur and set aside the same.

For Petitioner : Mr.G.Karuppasamy Pandian
For Respondent : Mrs.S.Prabha
Government Advocate (Criminal Side)

ORDER

This Criminal Revision Petition is filed against the order passed by the learned Judicial Magistrate No.II, Srivilliputhur, in Cr.M.P.No.3745 of 2016, dated 16.11.2016.

2.According to the petitioner, while the respondent conducting vehicle check-up, he was found in possession of 180 brandy bottle consisting 180 ml each without any licence or authority and the respondent registered a case against the petitioner in Crime No.182 of 2016 for the offence under Section 4(1)(a) of Prohibition Act and recovered the unauthorized brandy bottles as well as his two wheeler namely Hero Moto Corp Tuet VX BSIII bearing Registration No.TN-84-C-1904. The petitioner has filed a petition under Section 451 r/w 457 Cr.P.C., seeking for interim custody of the vehicle. The learned Judicial Magistrate No.II, Srivilliputhur, dismissed the petition. Challenging, the same the present Criminal Revision Case has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

3.This Court in a case of similar nature, in Crl.R.C (MD) No.107



of 2013, dated 06.03.2013, ordered return of vehicle to the Petitioner therein, subject to the following conditions:-

“(i) The petitioner shall produce proof of ownership of the vehicle.

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(ii) 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 Judicial Magistrate, Pattukkottai.

(iii) The petitioner shall surrender the R.C Book and the learned Judicial Magistrate, Pattukkottai 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 the accomplishment of the purpose, the same should be returned to the Court; and

(iv) The petitioner shall also file an affidavit of undertaking to the effect that-

(a) he will not alienate the vehicle without obtaining an order from the learned Judicial Magistrate, Pattukkottai;

(b) he will produce the same vehicle before the Court as and when summoned to produce the same; and

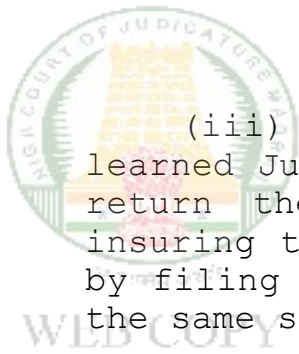
(c) no major alteration excepting the necessary repairs to make the vehicle road worthy shall be made.

(v) 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.”

4.Following the same, this Court is inclined to grant the relief of return of vehicle of the petitioner and hence the order passed by the learned Judicial Magistrate No.II, Srivilliputhur in Cr.M.P.No.3745 of 2016, dated 16.11.2016 is set aside and the interim custody of the vehicle namely Hero Moto Corp Tuet VX BS III bearing Registration No.TN84 C 1904 which was seized by the respondent Police in Crime No.182 of 2016 on the file of Mamsapuram Police Station, Srivilliputhur Taluk, Virudhunagar District is directed to be given to the petitioner on the following conditions:

(i) The petitioner shall produce proof of ownership of the vehicle.

(ii) 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 Judicial Magistrate No.II, Srivilliputhur.



(iii) The petitioner shall surrender the R.C Book and the learned Judicial Magistrate No.II, Srivilliputhur 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 the accomplishment of the purpose, the same should be returned to the Court; and

(iv) The petitioner shall also file an affidavit of undertaking to the effect that-

(a) he will not alienate the vehicle without obtaining an order from the learned Judicial Magistrate No.II, Srivilliputhur;

(b) he will produce the same vehicle before the Court as and when summoned to produce the same; and

(c) no major alteration excepting the necessary repairs to make the vehicle road worthy shall be made.

(v) 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."

5.The Civil Revision Petition stands allowed in the above terms.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II,
Srivilliputhur.

2.The Sub-Inspector of Police,
Mamsapuram Police Station,
Srivilliputhur Taluk,
Virudhunagar District.

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

+1 cc to MR.G.KARUPPASAMY PANDIYAN, Advocate SR.No.79967

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