

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2017

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.47 of 2017

G.Anbalagan
S/o.Gajendran

.. Petitioner

Vs

State through
The Inspector of Police,
Prohibition Enforcement Wing,
Hosur,
Krishnagiri District.
(Crime No.1382 of 2016).

... Respondent

Criminal Revision filed under sections 397 and 401 of Criminal Procedure Code to call for the records of the learned Judicial Magistrate No.II, Hosur, Krishnagiri District in Crl.M.P.No.6972 of 2016 and set aside the order dated 27.12.2016 and thereby direct the learned Judicial Magistrate for the production of the vehicle "TOYOTA INNOVA CRYSTA GRAY COLOUR CAR" bearing Registration No.TN 83 W 7666 (Engine No.2GDA013374, Chasis No: MBJJB8EM501501333) before the Court and return it to the petitioner pending investigation/confiscation proceedings in Crime No.1382 of 2016 on the file of the respondent/complainant.

For Petitioner : Mr.A.D.Jagadish Chandra

For Respondent : Mr.K.Madhan

Government Advocate [Crl.side]

O R D E R

Petitioner challenges the order of learned Judicial Magistrate No.II, Hosur, Krishnagiri District, passed in Crl.M.P.No.6972 of 2016 on 27.12.2016, rejecting the petition filed for return of vehicle.

2. Respondent has seized a Toyota Innova Crysta Gray Colour Car bearing Registration No.TN 83 W 7666 belonging to the petitioner in connection with the case registered in Crime No.1382 of 2016 on its file for offence under Section 4(1)(a) of the TNP Act. Petitioner has moved Crl.M.P.No.6942 of 2016 before learned Judicial Magistrate No.II, Hosur, Krishnagiri District, seeking return of the vehicle. Such petition came to be dismissed under orders of the Court below dated 27.12.2016. Hence, this revision.

3.Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

4.Learned counsel for petitioner would seek to impress upon this Court that a false case stands foisted upon the petitioner. This Court is now concerned with return of property, pure and simple.

5.Learned Additional Public Prosecutor 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 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 petitioner. Learned Judicial Magistrate No.II, Hosur, Krishnagiri District, is directed to return the vehicle viz., Toyota Innova Crysta Gray Colour Car bearing Registration No.TN 83 W 7666 to 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 in a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of learned Judicial Magistrate No.II, Hosur, Krishnagiri District; 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 T.N.Prohibition Act.

The Criminal Revision is disposed of with the above direction.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cla

To

1.The Judicial Magistrate No.II,
Hosur,
Krishnagiri District.

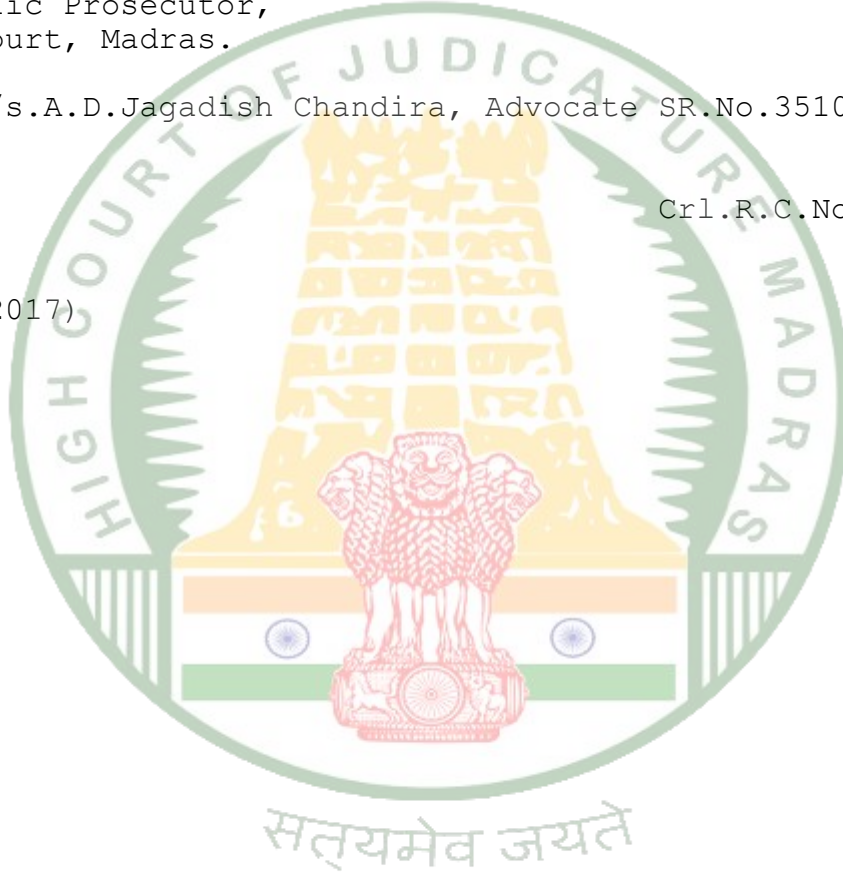
2.The The Inspector of Police,
Prohibition Enforcement Wing,
Hosur,
Krishnagiri District.
(Crime No.1382 of 2016).

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.A.D.Jagadish Chandira, Advocate SR.No.3510

CrI.R.C.No.47 of 2017

RSK(CO)
GN(02/02/2017)



WEB COPY