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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.07.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C(MD).No.488 of 2017

Paniraj ... Petitioner

-Vs-

The State, rep by its
The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
(Cr.No.182/2016) ... Respondent

Prayer : Criminal Revision Case is filed under Section 397 r/w 401 of the Code of Criminal Procedure, praying to call for the records relating to the order of the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District in Crl.M.P.No.858 of 2017, dated 02.03.2017 in P.R.No.71 of 2017 in connection with Cr.No.182 of 2016 on the file of the respondent and set aside the same and direct the respondent Police to entrust the custody of the petitioner's vehicle bearing Regn.No.TN 76 E 3606.

For Petitioner: Mr.S.Balakarthick
For Respondent: Mr.C.Mayil Vahana Rajendran
Additional Public Prosecutor (Crl. Side)

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O R D E R

This Criminal Revision Petition has been filed, challenging the order passed by the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District in Crl.M.P.No.858 of 2017, dated 02.03.2017 in P.R.No.71 of 2017 in connection with Cr.No.182 of 2016 on the file of the respondent.

2.The petitioner is an accused in Cr.No.182/2016 for the offences under Sections 4(1) (a) of Tamil Nadu Prohibition Act. The said case was registered against the petitioner on the allegation that the petitioner carried 18 bottles of Indian made foreign liquor for the purpose of selling, in his two wheeler and at that time, the liquor bottles along with two wheeler were seized by the Police and the said vehicle is now under the custody of the police. The petitioner has filed a petition seeking return of his vehicle. The same was dismissed by the court below. Challenging the same, the present revision has been filed.

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3.Heard Mr.S.Balakarthick, learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, Additional Public Prosecutor (Crl. Side), appearing for the respondent.

4.Taking into consideration of the fact that the vehicle was seized on 17.12.2016 and also considering the fact that even though there is a proposal for confiscation, sofar no proceeding was initiated for confiscation and the vehicle is in custody of the police for more than 7 months, I am inclined to set aside the impugned order, dated 02.03.2017 and this Criminal Revision Case stands allowed and the vehicle, namely Super Splendor two-wheeler bearing Regn.No.TN 76 E 3606 is directed to be handed over to the revision petitioner with 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.5,000/-(Rupees Five thousand only) with two sureties to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District;

iii) The petitioner shall surrender the R.C.Book and the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District 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, Cheranmahadevi, Tirunelveli District;

b) he will produce the said 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.

Sd/-
Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar.

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To

1.The Judicial Magistrate, Cheranmahadevi,
Tirunelveli District.

2.The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.

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

Crl.R.C(MD) No.488 of 2017

vs
JM/SKN RSK/SAR 1/14.07.2017/3P/4C

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