



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C(MD).No.612 of 2017

Mahendran

... Petitioner/Petitioner

-Vs-

The State, represented by
The Inspector of Police,
PEW Police Station,
Pudukkottai District,
In Crime No.299 of 2017

... Respondent/Respondent

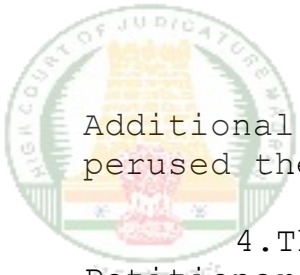
Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedurepraying this Court to call for the records pertaining to the order passed by learned Judicial Magistrate, Pudukkottai in Cr.M.P.No.3451 of 2017, dated 27.6.2017 and to set aside the same and direct the learned Judicial Magistrate to give interim custody of the Mahendra Renlot Logan bearing Registration No.TN-09-AT-8860.

For Petitioner	: M/s.A.Arun Prasad
For Respondent	: Mr.C.Mayilvahana Rajendran, Additional Public Prosecutor

O R D E R

Challenging the order dismissing the petitioner's application filed under Section 451 Cr.P.C seeking return of the vehicle, the present revision has been filed.

2.The Petitioner claiming to be the owner of the Mahendra Renlot Logan Car bearing Registration No.TN-09-AT-8860, which was seized by the respondent-Police pursuant to a case in Crime No.299 of 2017. The allegation was that the accused in this case has transported illicit arrack and also IMFL Bottle purchased from Pondicherry. The Petitioner is not an accused in this case, filed a petition under Section 451 of Cr.P.C., to return the vehicle. The Court below dismissed the said application stating that confiscation proceedings is pending before the authority concerned.Challenging the same, the present revision is filed.



Additional Public Prosecutor, appearing for the respondent and perused the records carefully.

4.The learned counsel for the Petitioner submitted that the Petitioner being the owner of the vehicle and not an accused in this crime. The vehicle has been used by his driver without his knowledge and as the authorities are not contemplating confiscation proceedings and no confiscation proceedings has been initiated so far.

5.Considering the fact that the vehicle has been seized on 15.5.2017, and it is in the custody of respondent police and the value of the vehicle would be deteriorated, if the same is exposed to sun and rain, I am inclined to set aside the impugned order, passed by the learned Judicial Magistrate, Pudukkottai in Cr.M.P.No.3451 of 2017, dated 27.6.2017 , and this **Criminal Revision Case stands allowed.**

6.The vehicle viz.,Mahendra Renlot Logan bearing Registration No.TN-09-AT-8860 is directed to be returned to the revision petitioner herein 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, Pudukkottai;

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

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 (CS-III)

/True copy/

Sub Assistant Registrar



1. The Judicial Magistrate,
Pudukkottai.

2. The Inspector of Police,
PEW Police Station,
Pudukkottai District.

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

+1 CC to M/s.A.ARUN PRASAD, Advocate, SR No. 69568

VSN
PSM/JC/SAR4/17.08.2017/3P/5C

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