



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.R.C(MD).No.621 of 2017

Sakthivel ... Petitioner/Petitioner/
Owner of the vehicle

-Vs-

The State, represented by
The Inspector of Police,
Shenkottai Police Station,
Tirunelveli District.
Crime No.335 of 2016

...Respondent/Respondent/Complainant.

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records relating to the impugned order of the learned Judicial Magistrate, Shenkottai passed in Crl.M.P.No.10270 of 2016, dated 9.1.2017 and to set aside the same and consequently to direct the respondent Police to hand-over the Petitioner's vehicle bearing Registration No.TN 67 Y 8008.

For Petitioner : M/s.R.J.Karthick

For Respondent : Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor

O R D E R

Challenging the dismissal order of the Petitioner's application seeking return of his vehicle, the present revision has been filed.

2.The learned counsel for the Petitioner would submit that he is the owner of the Ambassador Car bearing Registration No.TN 67 Y 8008, which has been seized in a Criminal Case in Cr.No.335 of 2016 registered for the offence 4(1)(aa) of the Tamil Nadu Prohibition Act. The allegation was that the vehicle was used for transporting 96 Bottles IMFL which purchased in TASMACH SHOP, then sent to a Bar illegally. According to the Petitioner, he is not an accused in the case. The driver of the vehicle said to have transported liquor bottles, without his knowledge. The vehicle was seized on 17.12.2016. So far, no confiscation proceedings has been initiated by the authorities concerned.



3. The learned Additional Public Prosecutor appearing for the respondent/State would submit that the vehicle is transporting 96 bottles of IMFL to be supplied to a Bar. Hence the vehicle was seized and the authorities contemplating to initiate confiscation proceedings.

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4. Considering the fact that the vehicle has been seized on 17.12.2016 and the authorities so far not initiated confiscation proceedings so far, and if the vehicle 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, Shenkottai passed in CrI.M.P.No.10270 of 2016, dated 09.01.2017 and this Criminal Revision Case stands allowed.

5. The vehicle viz., Ambassador Car bearing Registration No.TN 67 Y 8008 is directed to be handed-over to the revision petitioner. The Court below is directed to return the vehicle to the 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, Shenkottai;

iii) The petitioner shall surrender the R.C.Book and the learned 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 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, Shenkottai;

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(T&P)

/True Copy/



To

1.The Judicial Magistrate,
Shenkottai

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

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

+1CC to Mr.R.J.Karthick, Advocate, SR.No. 70777

Cr1.R.C(MD) No.621 of 2017
07.08.2017

VSN

AM/SV AAM/SAR 2/09.08.2017/3P/5C