



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C(MD).No.686 of 2017

Maniudayar

... Petitioner

Vs.

The Inspector of Police,
PEW, Pudukottai
Crime No.277 of 2017.

... Respondent

Prayer : Criminal Revision Case filed under Section 397 Cr.P.C. to set aside the order passed by the Judicial Magistrate, Pudukottai in Cr.M.P.No.3540 of 2017 dated 27.06.2017.

For Petitioner : Mr.R.Sevugaraja

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

O R D E R

This Criminal Revision Case has been filed challenging the order dismissing the petitioner's application filed under Section 457 Cr.P.C.

2.According to the petitioner, he is the owner of the vehicle viz., Bolero Maxi True bearing Reg.No.TN - 55 - AP - 8690. While the respondent was on inspection at Pudukottai Town, the petitioner was found in possession of illicit liquor bottles with fake labels and hence the above vehicle was seized on 05.05.2017 and a case was registered in Crime No.277 of 2017 for the offence under Sections 420, 468, 471 IPC and 4(1)(aa) and 4 (1-A) of the Tamil Nadu Prohibition Act and now the vehicle is under the custody of the respondent. Seeking return of vehicle, the petitioner has filed a petition before the Court below and the same was dismissed stating that confiscation proceeding is pending before the concerned authorities. Challenging the same, the present Criminal Revision Case has been filed.

3.The learned counsel appearing for the petitioner submitted that no proceeding has been initiated for confiscation and the vehicle was seized as early as on 05.05.2017 and it was



kept in the custody of respondent police and if the vehicle is exposed to sun and rain, its value would be deteriorated.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent submitted that the respondent police sought permission to initiate confiscation proceeding and as on date, no confiscation proceeding is pending.

5.Considering the fact that the vehicle has been seized as early as on 05.05.2017 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 Court below.

6.In fine, this Criminal Revision Case is allowed and the impugned order passed in Cr.M.P.No.3540 of 2017 by the Judicial Magistrate, Pudukottai is set aside and the vehicle viz., viz., Bolero Maxi True bearing Reg.No.TN - 55 - AP - 8690 is directed to be handed over to the revision 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.5,000/- (Rupees Five thousand only) with two sureties to the satisfaction of the Judicial Magistrate, Pudukottai

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

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)



To

1. The Judicial Magistrate, Pudukottai

2. The Inspector of Police,
PEW, Pudukottai

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

+1 cc to Mr.R.Sevugaraja , Advocate in SR.No. 75114

mj

AE/MR KKR/SAR1/11.09.2017/3P/5C

Cr1.R.C(MD) No.686 of 2017
29.08.2017