



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.06.2017
CORAM:
THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED
CRL.R.C. (MD)No.479 of 2016

WEB COPY

Selvakumar

..Petitioner

Vs.

The State rep. By
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.555 of 2016)

..Respondent

PRAYER: Revision filed under Section 397 r/w 401 of the Code of Criminal Procedure, praying to revise the order of the learned Judicial Magistrate No.I, Padmanabapuram, Kanyakumari District, dated 27.06.2016 made in C.M.P.No.2999 of 2016 in Crime No.555 of 2016 on the file of the Inspector of Police, Thuckalay Police Station, Kanyakumari District in rejecting his application filed under Section 451 of Cr.P.C., for the return of seized goods namely beedi and cigrates forthwith to the petitioner.

For Petitioner : Mr.S.Palanivelayutham
For Respondent : Mr.Mayilvahana Rajendran
Govt. Advocate

J U D G M E N T

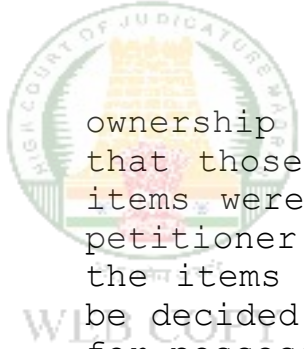
Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The learned counsel appearing for the petitioner submitted that the present revision has been preferred against the order of dismissal passed in Cr.M.P.No.2999 of 2016, dated 27.06.2016, by the learned Judicial Magistrate No.I, Padmanabapuram.

3.The learned Additional Public Prosecutor appearing for the respondent has not filed any written objection in the revision, however, he has orally objected, but he has not raised any objection for return of seized items to the petitioner on executing a bond for a sum of Rs.1,00,000/- before the learned Judicial Magistrate No.I, Padmanabapuram. It is also admitted that 34 bundle of Scissors Filter, one bundle of Gold Flake and 20 pack of Ravathi Beedi and 12 pack of MSP Beedi were seized from the petitioner and were remanded to R.P.No.266 of 2016, dated 11.08.2016. Investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Additional Public Prosecutor further states that the value of the said items is worth about Rs.97,000/-. The



ownership of the said items is also admitted by the respondent that those items were seized from the petitioner herein and such items were seized at Thakalay Market. The FIR reveals that the petitioner was in possession of those items that intends to sell the items to the school and college students, which facts are to be decided during trial. Seized items are not banned by Government for possession.

5. Considering the above facts and circumstances of the case and also the fact that the seized items belonging to the petitioner herein possessing them are not illegal one, this Court is inclined to set aside the order passed by the learned Judicial Magistrate No.I, Padmanabapuram, in C.M.P.No.2999 of 2016, dated 27.06.2016 and allowed the Revision directing to return the seized items to the petitioner on the following terms.

(i) the petitioner is directed to execute a bond of Rs.1,00,000/- to the satisfaction of the learned Judicial Magistrate No.I, Padmanabapuram.

(ii) The seized items should be photographed at the cost of the petitioner herein and Panchanama list is to be preferred and is to be signed by the petitioner and the respondent is directed to keep the Panchanama list in the case bundles.

Sd/-

Assistant Registrar(Records)

/ True Copy /

Sub Assistant Registrar(C.S.

To

1.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

2.The Judicial Magistrate No.I,
Padmanabapuram.

+1cc to M/S.S.Palanivelayutham, Advocate SR.No.61006

AM

MAS/MR-KKR/SAR2:04.07.2017:2P-4C

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