



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.RC(MD)No.324 of 2019

S.A.Subramani : Petitioner/Petitioner

Vs.

State rep. by
The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District. : Respondent/Respondent

Prayer: This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the order, dated 27.11.2017 made in Cr.M.P.No.5925 of 2017 on the file of the Judicial Magistrate, Keeranur, in connection with a case in Crime No.114 of 2013.

For Revision Petitioner : Mr.S.Gopalamanikandan

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
G.A(Cri side)

O R D E R

The petitioner claims to be the owner of the vehicle bearing Registration No.TN-45-BZ-4767 attached trailer No.TN-55-Q-4322 and another one vehicle bearing registration No.TN-45-AZ-6106, which were engaged for transporting Crusher Jalli. On 24.04.2013, the respondent found the said vehicles were illegally transporting the Crusher Jali and further the petitioner and others threatened and restrained the Revenue Inspector, Kodumbalur and in this connection, a case in crime No.114 of 2013 stands registered for the alleged offences under Section 147, 323, 294(b), 353 and 506(i) IPC. The respondent released the vehicle bearing registration No.TN-45-AZ-6106, but could not release the vehicle bearing Nos.TN-45-BZ-4767 & TN-55-Q-4322. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate, Keeranur, for interim custody. The learned Magistrate, by order, dated 27.11.2017, has dismissed the same. Challenging the said order, the petitioner is before this Court with this petition.

2.Heard the learned counsel appearing on either side and
perused the materials available on record.



3.The grievance of the petitioner is that the alleged vehicle was falsely implicated in this case. According to the lower court, the petitioner did not give any undertaking in respect of sale, alternation and pledge of the vehicle and hence, the petition for interim custody of the vehicle is not maintainable. The view taken by the learned Magistrate is not correct. It is well settled that during the pendency of confiscation proceeding, the vehicle needs to be returned to the person, who is entitled to have. This return will have no impact on the confiscation proceeding, as the confiscation proceeding is an independent proceeding.

4.In view of the above, this criminal revision is **allowed** and the order of the learned Judicial Magistrate, Keeranur, passed in CrI.M.P.No.5925 of 2017, Dated 27.11.2017 is set aside and the learned Judicial Magistrate is directed to return the vehicle to the petitioner subject to the following conditions:-

(a)The petitioner shall deposit the original Registration Certificate of the vehicle;

(b)The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) to the credit of Crime No.114 of 2013 on the file of the Judicial Magistrate, Keeranur, within a period of two weeks from the date of receipt of a copy of this order;

(c)The petitioner shall not make any alteration of the vehicle;

(d)The petitioner shall produce the same before the Court as and when required, until final order is passed in the confiscation proceedings.

Sd/-

Assistant Registrar(Record)

// True Copy //

Sub Assistant Registrar(CS)

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TO

1. The judicial Magistrate, Keeranur.
Pudukottai District.

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



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

+1CC TO MR.S.GOPALAMANIKANDAN, Advocate Sr. No.71628

Order made in
Cr1.R.C(MD)No.324 of 2019
24.06.2019

NRK(CO)
TR (08.07.2019) 3P 5C