

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

Date of Reservation	03.06.2019
Date of Order	02.07.2019

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CORAM**THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI****Cr1.RC(MD)No.55 of 2019**

M/s.Lucky Road Lines
through its Partner
Rajamanickam

: Petitioner/Petitioner

Vs.

State rep. by its
The Inspector of Police,
Avaniyapuram Police Station,
Madurai.

: Respondent/Complainant/

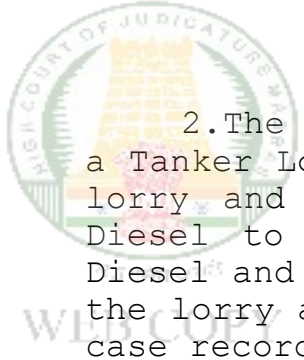
Prayer: This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code against the order of the Judicial Magistrate No.VI, Madurai, dated 02.02.2019 made in Cr1.M.P.No.315 of 2019 in C.C.No.560 of 2006 and further permit the petitioner to get interim custody of the deposit amount of Rs.3,25,500/- in the hands of the Judicial Magistrate No.VI, Madurai.

For Revision Petitioner : Mr.I.Saliyakhan

For Respondent : Mr.A.Robinson
Government Advocate
(Criminal side)

ORDER

This Criminal Revision is filed against the order of the Judicial Magistrate No.VI, Madurai, dated 02.02.2019 made in Cr1.M.P.No.315 of 2019 in C.C.No.560 of 2006 and permit the petitioner to get interim custody of the deposit amount of Rs.3,25,500/- in the hands of the Judicial Magistrate No.VI, Madurai.



2.The petitioner is the owner of the Petrol Tanker and he owned a Tanker Lorry TN-34-C-0676 and the 1st accused is the driver of the lorry and on 06.10.20104, he had loaded 201 Litres of Reliance Diesel to Tuticorin Reliance R.O, on the way he had stolen the Diesel and sold it for a low-cost to A2 to A4 and then he had burnt the lorry and destroyed it, for which A5 had abetted A1. As per the case records, the total cash amount of Rs.3,25,000/- has been seized from A2 to A4. These accused had received the cash amount on selling the Diesel. The petitioner filed petition in Cr.M.P.No.315 of 2019 before the Judicial Magistrate No.VI, Madurai, seeking the interim custody of the cash amount of Rs.3,25,500/-. The learned Judicial Magistrate, by order, dated 02.02.2019 has dismissed the same. Challenging the said order, the petitioner is before this Court with this criminal revision.

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

4.It is seen from the records that the petitioner is the owner of the Petrol Tanker Lorry TN-34-C-0676 and the 1st accused is the driver working under him. The respondent police has registered a case in Crime No.657 of 2004 against the accused persons for the offence under Sections 279, 380, 408, 420, 427, 435 and 203 IPC. The respondent police conducted investigation. On perusal of the records, it reveals that the vehicle belongs to the petitioner, in which the 1st accused is working as driver.

5.The grievance of the petitioner is that the respondent police seized Rs.3,25,500/-, which was mobilised by selling the Diesel and he is ready to abide by any condition that may be imposed by this court.

6.In view of the facts and circumstances of the case, this criminal revision is **allowed** and the order of the learned Judicial Magistrate No.VI, Madurai, passed in CrI.M.P.No.315 of 2019, dated 04.05.2019 is set aside and the learned Judicial Magistrate is directed to return the cash to the petitioner subject to the following conditions:-

(a)The petitioner is directed to furnish bank guarantee to the said amount and also file affidavit that he will not dispute the seizure of the money or the identify of the money.

(b)On such affidavit and production of the bank guarantee in favour of the Judicial Magistrate No.VI, Madurai, the trial court shall take photographs of currency and return the money to the petitioner.



(c)The petitioner shall also give an undertaking to the effect that at the end of the trial if the money is found to be ill gotten, the petitioner shall deposit Rs.3,25,500/- with interest at 12% p.a within the time stipulated by the trial court.

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Sd/-

Assistant Registrar (RTI)

/ True Copy /

Sub Assistant Registrar (CS-)

To,

- 1.The Judicial Magistrate No.VI,
Madurai.
- 2.The Inspector of Police,
Avaniyapuram Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Section Officer,Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2 Copies)

+1 CC to M/s.I.SALIYA KHAN,Advocate(SR-72701[F] dated 02/07/2019)

Order made in
Crl.R.C (MD) No.55 of 2019
02.07.2019

ES/17.07.2019/3P/7C