



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.07.2019
CORAM
THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI
Cr1.RC(MD)No.422 of 2019

WEB COPY

Pannerselvam

: Petitioner/Petitioner/
Third Party

Vs.

State rep. by
The Inspector of Police,
Athirampattinam Police Station,
Thanjavur District.
(Crime No.95 of 2019)

: Respondent/Complainant

Prayer: This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, against the order, dated 18.06.2019 made in Cr.M.P.No.2801 of 2019 in Crime No.95 of 2019 on the file of the Judicial Magistrate, Pattukkottai.

For Revision Petitioner : Mr.S.Deenadhayalan

For Respondent : Mr.APG Ohm Chairma Prabhu
Government Advocate
(Criminal side)

O R D E R

The petitioner claims to be the owner of the vehicle (Bolero Maxi Track Plus) bearing Registration No.TN-68-B-0156. On 25.06.2019, the respondent found the said vehicle for transportation of river sand without proper permission. In this regard, the respondent police registered a case in Crime No.95 of 2019 for the offence under Section 451 Cr.P.C r/w 457 Cr.P.C and seized the said vehicle. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate, Pattukkottai, for interim custody. The learned Magistrate, by order, dated 18.06.2019 has dismissed the same. Challenging the said order, the petitioner is before this Court.

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

3.The only ground upon which the lower court has dismissed the petition is that the offence involved by the petitioner vehicle is serious in nature. According to the lower court, 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 revision is **allowed** and the order of the learned Magistrate in CrI.M.P.No.2801 of 2019, dated 18.06.2019 is set aside and the learned Magistrate is directed to return the vehicle to the petitioner on 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.95 of 2019 on the file of the Judicial Magistrate, Pattukkottai, 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 (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To,

The Judicial Magistrate,
Pattukottai.

+1 CC to Mr.S.DEENADHAYALAN, Advocate SR-74676.

**Order made in
CrI.R.C (MD) No.422 of 2019
10.07.2019**