



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.12.2019**

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.R.C(MD)No.744 of 2019

Murugalakshmi

...Revision Petitioner

Vs.

State by
The Sub Inspector of Police,
Puliangudi Police Station,
Tirunelveli District.
(Crime No.294 of 2018)

...Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order in Cr.M.P.No.1893 of 2019, dated 03.07.2019 on the file of the learned Judicial Magistrate, Sivagiri and consequently to grant Tractor and Tractor bearing Registration No.TN-79-D-5389 for interim custody to the petitioner.

For Petitioner : Mr.K.Vinayagam

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)

O R D E R

The petitioner claims to be the owner of the Tractor along with Trailer, bearing Registration No.TN-79-D-5389. According to the petitioner, the alleged vehicle was seized by the respondent on 29.08.2018 in connection with a case in Crime No.294 of 2018 for the offence under Section 379 of IPC. Seeking return of the said vehicle, the petitioner filed a petition before the learned District Munsif Cum Judicial Magistrate, Sivagiri, for interim custody. The learned Magistrate, by order dated 03.07.2019 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 only ground upon which the lower Court has dismissed the petition is that the petitioner has not produced the original RC Book before the Court in order to ascertain the real ownership. The petition was dismissed and the petitioner did not prefer any revision as against the order and the same became final._It is well settled that during the pendency of confiscation proceedings, 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 District Munsif Cum Judicial Magistrate,

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



Sivagiri in Cr.M.P.No.1893 of 2019, dated 03.07.2019, is set aside and the learned Magistrate, is directed to return the vehicle to the petitioner subject to the confiscation proceedings 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.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.294 of 2018 on the file of the learned District Munsif Cum Judicial Magistrate, Sivagiri, within a period of one week 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 an when required until final order is passed in the confiscation proceedings.

5.The Authority under the Tamil Nadu Prohibition Act may proceed with the confiscation proceedings and the petitioner shall obey any order that may be passed in the said proceeding by the authority.

Sd/-

Assistant Registrar (Cr1.side)

// True Copy //

Sub Assistant Registrar(CS)

vsd

To

- 1.The District Munsif Cum Judicial Magistrate,
Sivagiri.
- 2.The Sub Inspector of Police,
Puliangudi Police Station,Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M/S.K.VINAYAGAN, Advocate (SR-105047[F]

+1cc to Spl.GP, SR.NO.105542