



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2019

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

Cr1.R.C(MD)No.781 of 2019

Anda @ Manikandan

... Petitioner/Petitioner

Vs.

State Rep by
The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(Crime No.213 of 2019)

...Respondent/Respondent/

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order passed in Cr.M.P.No.7644 of 2019 on the file of the learned Judicial Magistrate, Aruppukottai, dated 17.09.2019.

For Petitioner : Mr.S.Poornachandran

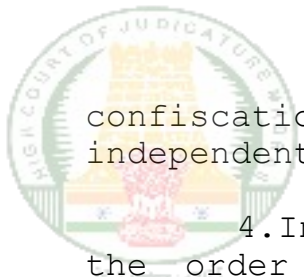
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Cr1.side)

O R D E R

The petitioner claims to be the owner of the two wheeler, bearing Registration No.TN 67 AD 4227. According to the petitioner, the alleged vehicle was seized by the respondent on 11.08.2019 in connection with a case in Crime No.213 of 2019 for the offence under Section 8 (c) r/w 20 (b) (ii) (A) NDPS Act. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate, Aruppukottai, for interim custody. The learned Judicial Magistrate, Aruppukottai, by order dated 17.09.2019 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 used his vehicle for illegal business of Ganja and if the vehicle is returned to the petitioner, he will indulge in the same activities by using the same vehicle. 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 Judicial Magistrate, Aruppukottai, in Cr.M.P.No.7644 of 2019, dated 17.09.2019, is set aside and the learned Judicial Magistrate, Aruppukottai, 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.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.213 of 2019 on the file of the learned Judicial Magistrate, Aruppukottai, 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(Records)

// True Copy //

Sub Assistant Registrar(CS)

dss

To

1.The Judicial Magistrate,
Aruppukottai.

2.The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.



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

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mr(CO)
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