



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2019

CORAM

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

Cr1.R.C(MD)No.887 of 2019

WEB COPY

P.Murugan

...Petitioner

Vs.

The Inspector of Police,
Forest Range Police Station,
WORLD.9/2019,
Trichy District.

...Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in Cr.M.P.No.2310 of 2019 on the file of the Judicial Magistrate, Lalgudi (FAC), dated 22.11.2019 and to set aside the same and consequently direct the respondent to release the vehicle of the petitioner viz., Ashok Leyland Dost LE BS III FSD bearing Registration No.TN-47-AJ-8078.

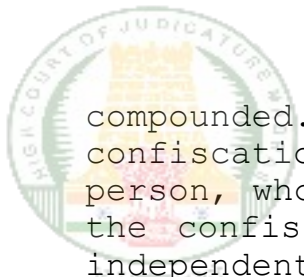
For Petitioner : Mr.K.K.Senthil
For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Cr1.side)

O R D E R

The petitioner claims to be the owner of the Ashok Leyland Dost LE BS III FSD, bearing Registration Nos.TN-47-AJ-8078. According to the petitioner, the alleged vehicle was seized by the respondent on 22.09.2019 in connection with a case in WLOR.09 of 2019 for the offence under Section 9, 39(1)(d) and 51 of the Wild Life Protection Act 1972. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate, Lalgudi, for interim custody. The learned Magistrate, by order dated 22.11.2019 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 case is in investigating stage and also the accused being 21 in number has used Ashok Leyland Lorry and hunting Dost for the commission of the offence and the case has not been



compounded. 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.

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4. In view of the above, this Criminal Revision is allowed and the order of the learned Judicial Magistrate, Lalgudi (FAC), in Cr.M.P.No.2310 of 2019, dated 22.11.2019, 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.25,000/- (Rupees Twenty five thousand only) to the credit of Crime No.182 of 2019 on the file of the learned Judicial Magistrate, Lalgudi (FAC), 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 and 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(CO)

// True Copy //

Sub Assistant Registrar(CS)

vsd

To

1. The Judicial Magistrate,
Lalgudi (FAC).

2. The Chief Judicial Magistrate, Trichy.



3.The Inspector of Police,
Forest Range Police Station,
Trichy District.

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

+1 CC to M/s.M/S.K.K.SENTHIL, Advocate (SR-105806[F] dated
19/12/2019)

Cr1.R.C(MD)No.887 of 2019

ns (CO)
TR(20.12.2019) 3P 6C