



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2019

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

Cr1.R.C(MD)No.897 of 2019

Chinna Shanmugaiah

...Petitioner

Vs.

State Rep by
The Inspector of Police,
Sankarankovil Taluk police Station,
Tirunelveli District.
(Crime No.182 of 2019)

...Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order passed by the Judicial Magistrate Court, Sankarankovil in Cr1.M.P.No.5413 of 2019 on 21.11.2019 and allow this Criminal Revision Petition.

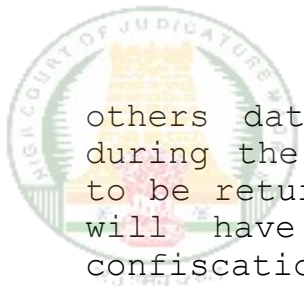
For Petitioner	: Mr.K.Chengizkhan
For Respondent	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Cr1.side)

O R D E R

The petitioner claims to be the owner of the Tractor and Trailer, bearing Registration Nos.TN-72-A-9563 and TN-72-A-9564. According to the petitioner, the alleged vehicle was seized by the respondent on 14.10.2019 in connection with a case in Crime No.182 of 2019 for the offence under Section 379 of IPC. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate, Sankarankovil, for interim custody. The learned Magistrate, by order dated 21.11.2019 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 it has no jurisdiction to enquire the matter and to approach the Special Court for releasing the vehicle as per the order of this Court in Muthu - Vs. - District Collector and



others dated 29.10.2018 and 09.09.2019. 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, Sankarankovil in Cr1.M.P.No.5413 of 2019, dated 21.11.2019, 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.35,000/- (Rupees Thirty five thousand only) to the credit of Crime No.182 of 2019 on the file of the learned Judicial Magistrate, Sankarankovil, 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(AS)

// True Copy //

Sub Assistant Registrar(CS)

vsd
To

1. The Judicial Magistrate Court,
Sankarankovil.
Rajapalayam.



2. The Chief Judicial Magistrate, tirunelveli.

3. The Inspector of Police,
Sankarankovil Taluk police Station,
Tirunelveli District.

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

+1 CC to M/s.K.CHENGIZKHAN, Advocate (SR-105736[F] dated 18/12/2019
)

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