

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Cr1.R.C.No.99 of 2020

J.Arul

.. Petitioner

Vs

State, Rep. by
The Inspector of Police,
Chunambedu Police Station,
(Cr.No.320/2019)

.. Respondent

Prayer:- This Petition is filed under section 397 read with 401 of Cr.P.C. to set aside the order dated 04.12.2019 passed in Cr1.M.P.No.7354 of 2019 on the file of the learned Judicial Magistrate, Madurantakam and to allow the Criminal Revision Case.

For Petitioner : Mr. P.Vimal Raj
For Respondent : Mr. K.Prabakar, APP

O R D E R

This Criminal Revision Case has been filed by the petitioner seeking to set aside the order dated 04.12.2019 passed in Cr1.M.P.No.7354 of 2019 on the file of the learned Judicial Magistrate, Madurantakam, and to direct the respondent to return the vehicle, namely, Two-wheeler (Honda Dio) bearing Registration No.TN14-U-3232 to the petitioner.

2. The case of the prosecution in brief is that on 22.10.2019 around 18.00 hrs, three persons, viz., Manikandan, Vignesh and Bharathi were creating problem in front of the hotel and compelled to close the hotel. Based upon the information, the respondent / Police went to the scene of occurrence and all the three persons attacked the police persons and at that time, all the three of them were in drunken state. The respondent / Police checked the motorcycle Honda Dio vehicle bearing Registration No.TN14-U-3232 and found 20 original choice brandy bottles, which were illegally transported from Puducherry to Chennai for sale and found 5 litres of poisonous liquid substance. Hence the respondent / Police seized the vehicle and substances and registered a case in Crime No.320 of 2019 against the three persons.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and without his knowledge, the vehicle had been used in the offence by the two accused persons (Manikandan and Vignesh) and that the petitioner is not arrayed as an accused and he has nothing to do with the offence committed by the other accused. He would further submit that the vehicle was seized on 22.10.2019 and it is left idle in the open space thereby, the condition of the vehicle is getting deteriorated and the value of the vehicle is lost thereby putting the petitioner to hardship. He would also submit that the petitioner is prepared to give an undertaking that he will not dispose of or alter the appearance of the vehicle in any manner and produce it before the Trial Court as and when required.

4. The learned Additional Public Prosecutor for the respondent would submit that the vehicle-in-question was used for commission of crime, in respect of which, a case in Cr.No.320/2019, was registered by the respondent police. He further submitted that the case is still under investigation. He would also submit that the petitioner is not implicated as an accused in this case.

5. Considering the facts and circumstances of the case and having regard to the fact that though the petitioner is the owner of the vehicle-in-question, his name was not found place in the F.I.R., this Court is of the opinion that there is no purpose in keeping the vehicle idle in the police station, which will result in the value of the vehicle getting diminished.

6. Accordingly, this Criminal Revision Case is allowed and the impugned order dated 04.12.2019, made in CrI.M.P.No.7354/2019 in Cr.No.320 of 2019, by the learned Judicial Magistrate, Madurantakam, is hereby set aside and that the vehicle-in-question, bearing registration number TN14-U-3232 (Honda Dio) is ordered to be released to the petitioner, within a period of one week from the date of receipt of a copy of this Order, subject to the following conditions:

- a. The petitioner shall produce necessary documents before the respondent to establish the ownership of the vehicle-in-question;
- b. The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) before the learned Judicial Magistrate, Madurantakam, which shall be deposited in an interest bearing account, till the conclusion of the trial;
- c. The petitioner shall surrender the RC Book of the vehicle in question before the Trial Court and the same shall be with the court's custody, till the conclusion of the trial;

- d. The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the respondent for the conduct of the trial; and
- e. The petitioner shall also give an Undertaking that he will not alienate the vehicle-in-question or dispose or alter the physical features of the vehicle till the disposal of the proceedings before the authority concerned;

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

srk

To:

1. The Judicial Magistrate, Madurantakam
2. Do Thro The Chief Judicial Magistrate, Kancheepuram District
3. The Inspector of Police, Chunambedu Police Station,
4. The Public Prosecutor, High Court, Madras.

+1 CC to Mr. Vimal Raj, Advocate sr 8814.

Crl.R.C.No.99 of 2020

MG (CO)
SP (26/02/2020)

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