

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2020

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.R.C.No.1513 of 2019

Valli

.. Petitioner

Vs

State: Sub Inspector of Police,
Prohibition Enforcement Wing
Vaniyambadi.
(Cr.No.449/2019)

.. Respondent

Prayer:- This Petition is filed under section 397 read with 401 Cr.P.C., to set aside the order dated 15.11.2019 passed by the learned Additional District Munsif-cum-Judicial Magistrate, Ambur (FAC), in C.M.P.No.2209 of 2019 in Cr.No.449 of 2019.

For Petitioner: Mr.K.S.Kaviarasu

For Respondent: Mr.K.Prabakar, APP

ORDER

This Criminal Revision Petition has been filed, seeking to set aside the Order dated 15.11.2019 passed by the learned Additional District Munsif-cum-Judicial Magistrate, Ambur (FAC), in C.M.P.No.2209 of 2019 in Cr.No.449 of 2019, on the file of the respondent police.

2. It is the case of the petitioner that on 01.10.2019, the officials of the respondent police intercepted the vehicle viz., Auto bearing Registration No.TN83 Y 2644 belonging to the petitioner, seized the same and registered a case in Crime No.449/2019 for the alleged offence under Section 4(1)(aa) of TNP Act. Seeking return of the said vehicle, the petitioner preferred a petition in CMP.No.2209 of 2019, which, vide order dated 15.11.2019, was dismissed by the Additional District Munsif-cum-Judicial Magistrate Court, Ambur, Vellore District. Hence, this Criminal Revision.

3. The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and without her knowledge, the vehicle had been used in the offence and

that the petitioner is not arrayed as an accused and she has nothing to do with the offence committed by the other accused. He would further submit that the vehicle was seized on 01.10.2019 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 she 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. Learned Additional Public Prosecutor appearing 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.449/2019, was registered by the respondent police. The learned Additional Public Prosecutor would further submit that the confiscation proceedings are pending.

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, her 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. Hence, to meet the interests of justice, the vehicle can be ordered to be released to the petitioner on certain conditions.

6. Accordingly, this Criminal Revision Case is allowed by setting aside the order impugned herein. The vehicle-in-question, bearing registration number TN-83-Y-2644 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.30,000/- (Rupees Thirty Thousand Only) before the Additional District Munsif-cum-Judicial Magistrate Court (FAC), Ambur, Vellore District, 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 she 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 she

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;

f. This order will not curtail the authority concerned to proceed with the confiscation proceedings already initiated, if any.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The Additional District Munsif
-cum-Judicial Magistrate,
Ambur (FAC) Ambur, Vellore District.

2.The Sub Inspector of Police,
Prohibition Enforcement Wing,
Vaniyambadi.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.S.Kaviarasu, Advocate SR.9953

Cr1.R.C.No.1513 of 2019

KK(CO)
CB(05/03/2020)