



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.01.2020**

CORAM

WEB COPY

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

Crl.R.C(MD)No.19 of 2020

Godson Michael

...Petitioner/Accused/
Owner of the Vehicle

Vs.

The Inspector of Police,
Kadaiyalumoodu Police Station,
Kanyakumari District.
(In Crime No.86 of 2019)

...Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the impugned order dated 26.12.2019 made in Cr.M.P.No.6264 of 2019 on the file of the learned Judicial Magistrate No.I, Kulithurai and set aside the same by allowing this Revision Petition.

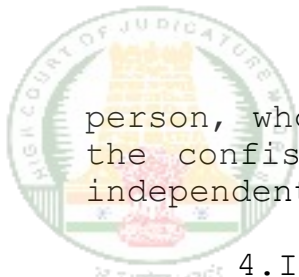
For Petitioner	: Mr.A.Mohan
For Respondent	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl.side)

O R D E R

The petitioner claims to be the owner of the container lorry, bearing Registration No.TN-74-AW-4470. According to the petitioner, the alleged vehicle was seized by the respondent on 17.12.2019 in connection with a case in Crime No.86 of 2019 for the offence under Sections 270, 278 of IPC and Section 190(3) of Motor Vehicles Act, 1988. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate No.I, Kulithurai, for interim custody. The learned Magistrate, by order dated 26.12.2019 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.On consideration of the documentary evidence, the Trial Court has dismissed the petition seeking to release the vehicle filed by the petitioner. 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 No.I, Kulithurai, in Cr.M.P.No.6264 of 2019, dated 26.12.2019, 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 produce 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.86 of 2019 on the file of the learned Judicial Magistrate No.I, Kulithurai, 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 (Writs)

/TRUE COPY/

/ /2020

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Kulithurai.

2. The Inspector of Police,
Kadaiyalumoodu Police Station,
Kanyakumari District.



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

+1. C.C. to M/S.A.MOHAN, Advocate SR.No. 2786

Crl.R.C(MD)No.19 of 2020

24.01.2020

vsd

JMN/SAR 4/27.01.2020/3P/5C