



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.03.2020**

CORAM

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

Crl.R.C(MD)No.46 of 2020

N.Sathurappan

...Petitioner/Petitioner/
Defacto Complainant

Vs.

1.State rep. by

The Inspector of Police,
Karivalamvandha Nallur Police Station,
Tenkasi District.
Crime No.365 of 2019.

...1st Respondent/Respondent/
Complainant

2.Maheswari

... 2nd Respondent

*(R2 impleaded as per order of this Court, dated
18.02.2020 in Crl.M.P. (MD)No.1525 of 2020
in Crl.R.C(MD)No.46 of 2020)*

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records relating to the impugned order of the Judicial Magistrate, Sankarankovil passed in Crl.M.P.No.5216 of 2019, dated 25.11.2019, set aside the same and consequently direct the respondent police to handover the petitioner's vehicle bearing Registration No.TN-67-5934 and allow this revision petition.

For Petitioner	: Mr.R.J.Karthick
For R1	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl.side)
For R2	: No Appearance

O R D E R

The petitioner claims to be the owner of the Tractor bearing Registration No.TN-67-5934. On 23.10.2019 at 7.00 p.m. since there is no sufficient place for parking the above tractor at petitioner's house, as usual the petitioner parked the above tractor near one Subbaraj house, which is the western side of Village Administrative Office. Thereafter, on 24.10.2016 at about 6.30 a.m. the petitioner's Tractor along with trailer was missing. Hence, on 25.10.2019, the petitioner made a complaint to the respondent police to trace out the Tractor and the same was registered in Crime No.365 of 2019 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 25.11.2019 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. On consideration of the documentary evidence, the Trial Court has dismissed the petition seeking to release the vehicle filed by the petitioner. Further, 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, Sankarankovil, in Crl.M.P.No.5216 of 2019, dated 25.11.2019, is set aside and the learned Judicial Magistrate, Sankarankovil, 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.365 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 on the first working day of every month 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 (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Judicial Magistrate,
Sankarankovil.

2.The Inspector of Police,
Karivalamvandha Nallur Police Station,
Tenkasi District.

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

+1 CC to M/s.R.J.KARTHIK, Advocate (SR-12928[F] dated 24/03/2020)

Crl.R.C(MD)No.46 of 2020

vsd

AP(29/05/2020) 3P 5C