



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.03.2020**

CORAM

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

Crl.R.C(MD)No.267 of 2020

Kathiravan

...Petitioner/Petitioner/Accused No.4/
Vehicle Owner
Vs.

State Rep.by
The Sub Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.25 of 2020)

...Respondent / Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for records pertaining to the order passed in Cr.M.P.No.418 of 2020 in Crime No.25 of 2020, dated 12.02.2020 on the file of the District Munsif Court Cum Magistrate Court, Kadaladi, Ramanathapuram and set aside the same.

For Petitioner	: Mr.T.Veerakumar
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 Car, bearing Registration No.TN-65-AW-6791. According to the petitioner, the alleged vehicle was seized by the respondent police on 20.01.2020 in connection with a case in Crime No.25 of 2020 for the offence under Sections 8, 9 and 10 of Tamil Nadu Gaming Act, 1930. Seeking return of the said vehicle, the petitioner has filed a petition before the learned District Munsif Cum Magistrate, Kadaladi, Ramanathapuram, for interim custody. The learned Magistrate, by order dated 12.02.2020 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 District Munsif Cum Magistrate, Kadaladi,

<https://hcservices.ecourts.gov.in/hcservices/>



Ramanathapuram, in Cr.M.P.No.418 of 2020, dated 12.02.2020, is set aside and the learned District Munsif Cum Magistrate, Kadaladi, Ramanathapuram, 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.25 of 2020 on the file of the learned District Munsif Cum Magistrate, Kadaladi, Ramanathapuram, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

To

- 1.The District Munsif Court Cum Magistrate Court,
Kadaladi,Ramanathapuram District.
- 2.The Sub Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-12098[F] dated 17/03/2020)

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SMA/06/05/2020/2P/5C