



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 07.07.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD)No.297 of 2020

Mahalingam

.. Petitioner/Accused

Vs.

State Rep. By
The Inspector of Police,
Thiruvadanai Police Station
Ramanathapuram District
(Crime No.284 of 2019)

.. Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records relating to the order of the learned District Munsif Cum Judicial Magistrate, Thiruvadanai, Ramanathapuram District dated 28.02.2020 in Crl.M.P.No.289 of 2020 filed by the petitioner under Section 457 of C.P.C and set aside the same as illegal and produce the vehicle Hundai i20 Asta Car in bearing Registration No.TN-12-E-5144 before the Judicial Magistrate Court and entrust the custody of the vehicle to the petitioner.

For Petitioner	: Mr.C.Ramesh
For Respondent	: Mr.K.Dinesh Babu, Additional Public Prosecutor

ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.289 of 2020 in Crime No.284 of 2019, dated 28.02.2020 on the file of the learned District Munsif Cum Judicial Magistrate, Thiruvadanai, Ramanathapuram District and to entrust the custody of the vehicle bearing Registration No.TN-12-E-5144 to the petitioner.

2.On the side of the petitioner, it is stated that the petitioner is not an accused, he is only the owner of the vehicle. The accused borrowed the vehicle for attending a function and the petitioner is no way involved in the offence. Hence, he prays that the vehicle is to be returned to the petitioner.

3.On the side of the Additional Public Prosecutor, it is stated that the vehicle bearing Registration No.TN-12-E-5144 was involved in Tamil Nadu Prohibition Act offence and the said vehicle was used for transporting 49 bottles of liquor.



4. In view of the above submissions, this Criminal Revision petition is allowed and the order of the learned District Munsif Cum Judicial Magistrate, Thiruvadanai, Ramanathapuram in Crl.M.P.No.289 of 2020 is set aside and the learned District Munsif Cum Judicial Magistrate is directed to return the vehicle to the petitioner subject to the confiscation proceedings on the following conditions:

(i) The petitioner shall deposit the original Registration Certificate of the vehicle before the District Munsif Cum Judicial Magistrate, Thiruvadanai, Ramanathapuram District.

(ii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.284 of 2019 on the file of the learned District Munsif Cum Judicial Magistrate, Thiruvadanai, Ramanathapuram within a period of two weeks from the date of receipt of a copy of this order;

(iii) The petitioner shall not make any alienation and alteration in the vehicle;

(iv) The petitioner shall produce the vehicle before the Court and before the respondent as and when required subject to the 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/-

Deputy Registrar(A/C)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1. The District Munsif Cum Judicial Magistrate,
Thiruvadanai, Ramanathapuram
2. The Inspector of Police,
Thiruvadanai Police Station
Ramanathapuram District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.297 of 2020
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