



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 08.07.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.299 of 2020

Mahendran

... Petitioner/Owner of the ` Vehicle

Vs.

State Rep. By
The Inspector of Police,
Sattur Taluk Police Station
Virudhunagar District
(Crime No.118/2018)

... Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records pertaining to order dated 12.02.2020 passed by the learned Judicial Magistrate No.II, Sattur in Crl.M.P.No.514 of 2020 in Crime No.118 of 2018 on the file of the respondent police and set aside the same by allowing the above Criminal Revision Petition and further direct the respondent police to return the vehicles viz., Tractor bearing Registration No.TN67B 9549 and Trailer bearing Registration No.TN67B 9550 to the revision petitioner.

For Petitioner	: Mr.P.Saravanakumar
For Respondent	: Mr.K.Dinesh Babu, Additional Public Prosecutor

ORDER

This revision has been filed to call for the records pertaining to the order dated 12.02.2020 passed by the learned Judicial Magistrate No.II, Sattur in Crl.M.P.No.514 of 2020 in Crime No.118 of 2018 on the file of the respondent police and to set aside the same by allowing the above Criminal Revision Petition and further direct the respondent police to return the vehicles viz., Tractor bearing Registration No.TN67B 9549 and Trailer bearing Registration No.TN67B 9550 to the revision petitioner.

2.On the side of the petitioner, it is stated that the vehicle was seized by the respondent police on 22.05.2018 and the same was kept in the open place. Due to rusting and climatic condition, the said vehicle got damaged. He further stated that the jurisdiction of the Special Court was published in G.O.Ms.No.298 (Courts -II) Department, dated 13.06.2019. The present case was registered prior to the above G.O., Therefore, the learned Judicial Magistrate is having jurisdiction to entertain the petition and hence, he prays to release the vehicle for interim custody.



3. On the side of the prosecution, it is stated that the accused is the owner of the vehicle and if the vehicle is released, the accused may use the vehicle again for committing similar offence.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. From the records, it is seen that the vehicle was seized by the respondent police on 22.05.2018 and the Property Number is 429 of 2018. Leaving the vehicle for two years in the open place, will make the vehicle useless and the value will be deteriorating day by day. Therefore, this Court is inclined to release the vehicle for interim custody with the petitioner subject to the following conditions:

(i) The petitioner shall deposit the original Registration Certificate of the vehicle before the Judicial Magistrate No.II, Sattur;

(ii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.118 of 2018 on the file of the learned Judicial Magistrate No.II, Sattur along with bond of Rs.5,00,000/- (Rupees Five Lakhs only) with two sureties, for a like sum 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, until final order is passed in the confiscation proceedings.

Sd/-

Deputy Registrar (Accounts)

// 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 Judicial Magistrate No.II
Sattur.

2.The Inspector of Police,
Sattur Taluk Police Station
Virudhunagar District
(Crime No.118/2018)

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

Crl. R.C.(MD)No.299 of 2020
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AP(15/07/2020) 3P 4C