



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD) No. 396 of 2020

D.Charlin .. Revision Petitioner/4th Accused

Vs.

The State through
The Inspector of Police,
Kadaiyalumoodu Police Station,
Kanniyakumari District.
(In Crime No.86 of 2019) .. Respondent/Complainant

Prayer : This Revision Case is filed under Sections 397 read with Section 401 of Cr.P.C., praying to call for the records relating to the impugned order, dated 26.12.2019 made in Cr.M.P.No.6265 of 2019 on the file of the Judicial Magistrate No.I of Kulithurai, Kanniyakumari District and set aside the same.

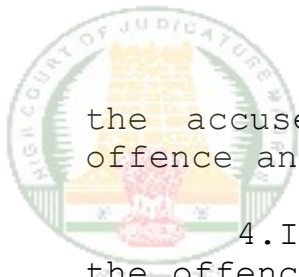
For Petitioner	: Mr.A.Arunprasad
For Respondent	: Mr.K.Dinesh Babu Additional Public Prosecutor

ORDER

This revision has been filed to set aside the order passed in Cr.M.P.No.6265 of 2019, dated 26.12.2019, on the file of the learned Judicial Magistrate No.I of Kulithurai, Kanniyakumari District to return the vehicle bearing Registration No.TN-72-BY-8061 to the petitioner.

2.On the side of the petitioner, it is stated that the case against the petitioner is that he was driving the Car that was following the container lorry loaded with chicken waste. It is stated that the container lorry was already released by this Court in Crl.R.C(MD)No.19 of 2020. It is stated that the Car is no way connected with the container lorry. The petitioner is only A4 in this case and hence, he prays that the vehicle is to be returned to the petitioner.

3.On the side of the prosecution, it is stated that the Car followed the lorry having chicken waste from Kerala to Tamilnadu and the accused belongs to Kerala. If the vehicle is released,



the accused may use the vehicle again for committing similar offence and he objected to release the vehicle.

4. It is seen that already the container lorry involved in the offence was already released by this Court in Crl.R.C(MD)No.19 of 2020, dated 23.01.2020 itself. If the vehicle in question is kept in the open place, it would certainly become useless and also it would have been damaged, due to rust and other climate conditions.

5. Considering the facts and circumstances of the case, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate No.I of Kulithurai, Kanniyakumari District in Cr.M.P.No.6265 of 2019 is set aside and the learned Judicial Magistrate No.I of Kulithurai, Kanniyakumari District is directed to return the vehicle to the petitioner for interim proceeding subject to any confiscation proceedings to be taken on the following conditions:

(i) The petitioner shall deposit the original Registration Certificate of the vehicle before the learned Judicial Magistrate No.I of Kulithurai, Kanniyakumari District;

(ii) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.86 of 2019 on the file of the learned Judicial Magistrate No.I of Kulithurai, Kanniyakumari District, within a period of four weeks from the date of receipt of a copy of this order along with a bond for a sum of Rs.5,00,000/- (Rupees Five lakhs only) with two sureties for a like sum;

(iii) The petitioner shall not alienate and shall not make any alterations 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 to be passed in the confiscation proceedings.

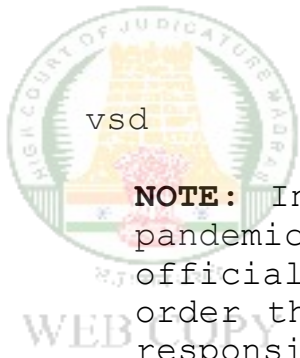
Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



vsd

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.I,
Kulithurai, Kanniyakumari District.
2. The Inspector of Police,
Kadaiyalumoodu Police Station,
Kanniyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C. (MD) No. 396 of 2020

ck(CO)

TR(22.07.2020) 3P 4C