



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 07.08.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.404 of 2020

V.Thavasilinngam

.. Petitioner/Petitioner

Vs.

State through
The Inspector of Police,
West Police Station,
Virudhunagar District.
(In Crime No.347 of 2020)

.. Respondent/Respondent

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the entire records relating to the order in Cr.M.P.No.1865 of 2020, dated 26.06.2020 passed by the learned Judicial Magistrate No.I, Virudhunagar and to set aside the same as illegal and consequently, to direct the respondent to return the vehicle namely Honda Deo bearing registration No.TN67 BJ 6507 to the petitioner.

For Petitioner : Mr.R.Malaikani

For Respondent : Mrs.Anandha Devi
Government Advocate

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the learned Judicial Magistrate No.I, Virudhunagar made in Cr.M.P.No.1865 of 2020, dated 26.06.2020 and consequently, to direct the respondent to return the vehicle viz., Honda Dio bearing registration No.TN67 BJ 6507 to the petitioner.

2. Heard both sides.

3. The vehicle of the petitioner was seized in a case in Crime No.347 of 2020, under Section 4(1-A) TNP Act. The petitioner filed a petition for return of the vehicle before the learned Judicial Magistrate No.I, Virudhunagar and the learned Magistrate dismissed that petition. Against the order of dismissal, the petitioner has come forward with this Criminal



4. On the side of the petitioner, it is stated that the petitioner is the owner of the vehicle. The vehicle was used by the son of the petitioner. Only on commission of an offence, the vehicle can be confiscated. Before conducting chemical examination, a case under Section 4(1-A) was registered. The petitioner is entitled for interim custody of the vehicle and prayed for return of the vehicle.

5. On the side of the prosecution, it is stated that the vehicle was involved in an offence under the Tamil Nadu Prohibition Act and the respondent is taking action for confiscating the property and she objected to the return of the vehicle to the petitioner.

6. It is seen that the vehicle was already produced before the Judicial Magistrate No.I, Virudhunagar, in P.R.No.67 of 2020, the property is a two wheeler bearing Registration No. TN 67 BJ 6507, Honda Dio and copy of the registration certificate is filed in the typed set. There is no dispute regarding the ownership of the vehicle. Hence, this Court is inclined to allow the petition.

7. Accordingly, this Criminal Revision Case is allowed and the order passed by the learned Judicial Magistrate No.I, Virudhunagar in Cr.M.P.No.1865 of 2020, dated 26.06.2020 is set aside and the property/vehicle is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:-

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

(ii) The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.347 of 2020 on the file of the learned Judicial Magistrate No.I, Virudhunagar, 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.50,000/- (Rupees Fifty Thousand 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, by the Court and by the respondent.

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Sd/-

Assistant Registrar(CS)

// True Copy //

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Sub Assistant Registrar(CS)

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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,
Virudhunagar.
- 2.The Inspector of Police,
West Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S. MALAIKANI, Advocate (SR-13857[F] dated 07/08/2020

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