



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 01.09.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.460 of 2020

M.Ponraj

.. Petitioner

Vs.

The State,
Represented by the Inspector of Police,
Pallathur Police Station,
Sivagangai District.
(Crime No.40 of 2020)

.. Respondent

Prayer : This criminal revision case filed under Sections 397 r/w. 401 of Cr.P.C., to call for the records pertaining to order dated 27.07.2020 passed by the Principal District Munsif cum Judicial Magistrate, Karaikudi in Crl.M.P.No.1802 of 2020 in Crime NO.40 of 2020 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 Bolero four wheeler vehicle bearing Registration No.TN-81-A-4323 to the revision petitioner.

For Petitioner : Mr.P.Saravanakumar

For Respondent : Mrs.Anandha Devi,
Government Advocate (Crl. Side)

ORDER

This revision has been filed to set aside the order passed in Cr.M.P.No.1802 of 2020, in Crime No.40 of 2020, dated 27.07.2020, on the file of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi to grant interim custody of vehicle bearing Registration No.TN-81-A-4323 to the petitioner.

2.The petitioner claims to be the owner of the vehicle bearing registration No.TN-81-A-4323, which was seized by the respondent Police in Crime No.40 of 2020 for the offence under Section 270 of IPC and Section 4(1)(a) of Tamil Nadu Prohibition Act. The petitioner has filed a petition in Cr.M.P.No.1802 of 2020



before the learned Principal District Munsif cum Judicial Magistrate, Karaikudi for return of the vehicle. The petition was dismissed by the trial Court. Against which, the petitioner has preferred this revision case.

3. On the side of the petitioner, it is stated that the vehicle is kept in open and the value of the vehicle will be deteriorated due to climatic condition and prayed the vehicle to be released to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the confiscation proceedings was initiated against the vehicle and that the vehicle was used for transferring 35 liquor bottles. It is stated that if the vehicle is released, it may be used for commission of similar offence again and prayed the petition to be dismissed.

5. It is seen that the vehicle was seized on 02.04.2020 and leaving the vehicle in open space will damage the vehicle. There is no objection regarding the ownership of the vehicle. In the above circumstances, this Criminal Revision Case is allowed and the order of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi in Cr.M.P.No.1802 of 2020 is set aside and the learned Magistrate is directed to return the vehicle 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 with the learned Principal District Munsif cum Judicial Magistrate, Karaikudi;

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.40 of 2020 on the file of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi within a period of two weeks from the date of receipt of a copy of this order;

(iii) The petitioner is directed to execute a bond for a sum of Rs.4,00,000/- (Rupees four lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Principal District Munsif cum Judicial Magistrate, Karaikudi.

(iv) The petitioner shall not alienate and shall not make any alteration in the vehicle;

(v) The petitioner shall produce the vehicle before the Court and before the respondent as and



when required and this order is subject to the final order to be passed in the confiscation proceedings.

6.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/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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 Principal District Munsif cum Judicial Magistrate, Karaikudi.
- 2.The Inspector of Police,
Pallathur Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.460 of 2020

01.09.2020

Mrn

SDS (07.09.2020) 3P-4C