



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.10.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.471 of 2020

Asaithambi

.. Petitioner/Petitioner/
Owner of the vehicle

Vs.

The Sub Inspector of Police,
Suchindrum Police Station,
Kanyakumari District.
(Crime No.101 of 2020)

.. Respondent/Respondent/
Complainant

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to call for the records pertaining to the order passed in Cr.M.P.No.2585 of 2020 dated 14.07.2020 on the file of the learned Principal District and Sessions Judge, Kanyakumari District at Nagercoil and to set aside the same as illegal by allowing this Criminal Revision Petition by returning the petitioner's Tempo bearing Registration No.TN-74-F-0149 in connection with Crime No.101 of 2020.

For Petitioner	: Mr.G.Aravinthan
For Respondent	: Mrs.S.Bharathi, Government Advocate

ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.2585 of 2020 dated 14.07.2020, on the file of the learned Principal District and Sessions Judge, Kanyakumari District, Nagercoil.

2.The petitioner claims to be the owner of the vehicle bearing Registration No.TN-74-F-0149, seized by the respondent. The petitioner approached the learned Principal District and Sessions Judge, Kanyakumar District, Nagercoil, by filing a petition in Crl.M.P.No.2585 of 2020 for release of the vehicle and the learned Judge dismissed the petition on 14.07.2020. Against which, the petitioner is before this Court with this revision case.



3. On the side of the petitioner, it is stated that there is no rival claim. The petitioner purchased the vehicle on 18.02.2020 but before transferring the vehicle in his name in the register, the vehicle was seized by the respondent police and prayed the vehicle to be returned to the petitioner.

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4. On the side of the respondent, it is stated that the petitioner is a habitual offender. Three cases are pending against the petitioner. Among them, Crime No.119 of 2019 is a case of similar in nature involving this vehicle. If the vehicle is returned to the petitioner again, there is possibility for the vehicle being used for commission of similar offence and prayed the petition to be dismissed.

5. Hence, the vehicle was seized by the respondent police on 19.03.2020. The petitioner said to have purchased the vehicle only on 18.02.2020. If the vehicle is kept in a open place, the value of the vehicle will be deteriorated. Hence, this Criminal Revision Case is allowed and the order of the learned Principal District and Sessions Judge, Kanyakumari District, Nagercoil in Cr.M.P.No.2585 of 2020 is set aside and the learned Judge 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 a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the credit of Crime No.101 of 2020 on the file of the learned Judicial Magistrate No.III, Nagercoil within a period of two weeks from the date of receipt of a copy of this order;

(ii) The petitioner is directed to execute a bond for a sum of Rs.3,00,000/- (Rupees Three Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned learned Judicial Magistrate No.III, Nagercoil;

(iii) The petitioner is directed to file an undertaking affidavit to produce the original Registration Certificate before the learned Judicial Magistrate No.III, Nagercoil within a period of two weeks from the date of return of the vehicle after getting it transferred in his name;

(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;

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

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.III, Nagercoil.
2. The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
3. The Principal District and Sessions Judge,
Kanyakumari District at Nagercoil.
4. The Sub Inspector of Police,
Suchindrum Police Station,
Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.G.ARAVINTHAN, Advocate SR-19672.

Crl. R.C.(MD)No.471 of 2020
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