



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.09.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.484 of 2020

WEB COPY

Samson Thangaraj

.. Petitioner/Petitioner/Accused No 2
Vs.

The State represented by
The Inspector of Police,
Tharuvaikulam Police Station,
Thoothukudi.

(Crime No.81 of 2020)

.. Respondent/Complainance

Prayer : This criminal revision case is filed under Sections 397 r/w. 401 of Cr.P.C., to set aside the order passed in Crl.M.P.No.438 of 2020 dated 22.07.2020 on the file of the learned Judicial Magistrate, Villathikulam .

For Petitioner	: Mr.V.Malaiyendran
For Respondent	: Mrs.Anandha Devi, Government Advocate (Crl. Side)

ORDER

This revision has been filed to set aside the order passed in Crl.M.P.No.438 of 2020, dated 22.07.2020, on the file of the learned Judicial Magistrate, Villathikulam to grant interim custody of vehicle bearing Registration No.TN-69-AF-9099 to the petitioner.

2.The petitioner claims to be the owner of the vehicle (Volks Wagon Polo) bearing registration No.TN-69-AF-9099, which was seized by the respondent Police in Crime No.81 of 2020 for the offence under Section 4(1)(a), 4(1)(aa) and 14(A) of Tamil Nadu Prohibition Act and Sections 188 and 269 of IPC. The petitioner has filed a petition in Crl.M.P.No.438 of 2020 before the learned Judicial Magistrate, Villathikulam, 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 from 08.05.2020 onwards and the value of the vehicle will be deteriorated due to climatic condition and keeping the vehicle idle will cause further damage to the vehicle 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 the vehicle was used for transferring 488 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 08.05.2020 and leaving the vehicle in open space will damage the vehicle. In the above circumstances, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate, Villathikulam in Cr.M.P.No.438 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 Judicial Magistrate, Villathikulam ;

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No. (*)81 of 2020 on the file of the learned Judicial Magistrate, Villathikulam 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.5,00,000/- (Rupees five lakhs only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Villathikulam ;

(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.

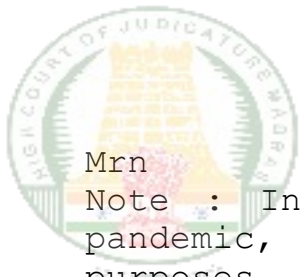
Sd/-
Assistant Registrar(CO)

**(*) Amended as per order of this
Hon'ble Court dated 16.09.2020**

Sd/-
Assistant Registrar(CO)

/True Copy/

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

(*)To be substituted the order already despatched on 09.09.2020

1.The Judicial Magistrate, Villathikulam.

2.The Inspector of Police,
Tharuvaikulam Police Station,
Thoothukudi.

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

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KB(09.09.2020) 3P 4C
KM(16.09.2020) 3P 4C