



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.497 of 2020

Ranjith

.. Revision Petitioner /petitioner

Vs.

The State rep.

The Inspector of Police

Mandapam Police Station,

Pudukkottai,

Ramanathapuram District

.. Respondent /Complainant

Prayer : This Revision Case is filed under Section 397 read with Section 401 of Cr.P.C., to call for the records and set aside the impugned order passed by the learned District Munsif cum Judicial Magistrate, Rameswaram, made in Cr.MP.No.990 of 2020, dated 17.08.2020 and allow the above Criminal Revision.

For Petitioner

: Mr.J.Vishnu

For Respondent

: Mrs.Anandha Devi

Government Advocate

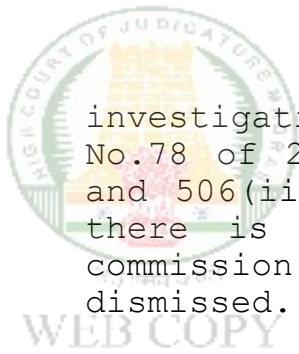
ORDER

This revision has been filed to set aside the impugned order passed by the learned District Munsif cum Judicial Magistrate, Rameswaram, made in Cr.MP.No.990 of 2020, dated 17.08.2020.

2. The petitioner claims to be the owner of the vehicle/ Yamaha FZs two wheeler bearing Registration No.TN-65-AE7948 which was seized by the respondent Police in Crime No.87 of 2020, under Sections 147, 148, 294(b) and 506 (ii) I.P.C. The petitioner filed a petition for return of the vehicle before the District Munsif cum Judicial Magistrate, Rameswaram,, in Cr.M.P.No.990 of 2020. The District Munsif cum Judicial Magistrate, Rameswaram, dismissed the petition on 17.08.2020. Against that order, the petitioner preferred this Revision.

3. On the side of the petitioner, it is stated that the petitioner is the owner of the vehicle. The vehicle is in custody for the past 162 days. For the past six months, the vehicle was kept in the open place. Leaving the vehicle in the open place, will make the vehicle useless and the value will be deteriorating day by day and prayed the vehicle to be returned to the petitioner.

4. On the side of the prosecution, it is stated that the seized vehicle is relevant to prove the case of the prosecution. The petitioner was arrayed as A1 in the case. The case is under



investigation. The petitioner involved in a previous case in Crime No.78 of 2020, under Section 147, 148, 109, 341, 294(b), 323, 324 and 506(ii) IPC. If the vehicle is released for interim custody, there is a possibility for the vehicle to be used again for commission of similar offences and prayed the petition to be dismissed.

5. Heard the learned counsel on either side and perused the materials available on record.

6. It is seen that the petitioner is the owner of the vehicle. There is no dispute regarding the ownership of the vehicle. If the vehicle is kept open, the value of the vehicle will be deteriorating day by day. Hence, this Court is inclined to allow the revision.

7. Accordingly, this Criminal Revision Case is allowed and the order passed by the learned District Munsif cum Judicial Magistrate, Rameswaram, made in Cr.MP.No.990 of 2020, dated 17.08.2020, is set aside and the vehicle/ two wheeler 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 District Munsif cum Judicial Magistrate, Rameswaram;

(ii) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.87 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Rameswaram, 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 and this order is subject to the final order to be passed in the confiscation proceedings.

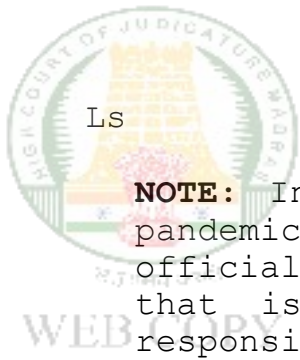
Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

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 District Munsif cum Judicial Magistrate,
Rameswaram.
- 2.The Inspector of Police
Mandapam Police Station,
Pudukkottai,
Ramanathapuram District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. R.C.(MD)No.497 of 2020
18.09.2020

VB (23.09.2020) 3P 4C