



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.11.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.594 of 2020

Lingammal

.. Petitioner/Petitioner

Vs.

State rep. by,
The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
(Crime No.556 of 2020)

.. Respondent/Complainant

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to call for the records pertaining to order passed in Cr.M.P.No.1956 of 2020 on the file of the learned Judicial Magistrate No.I, Virudhunagar dated 24.09.2020 and to set aside the same by allowing the revision petition.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondent : Mrs.S.Bharathi
Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.1956 of 2020 dated 24.09.2020, on the file of the learned Judicial Magistrate No.I, Virudhunagar to grant interim custody of vehicle bearing Registration No.TN-66-D-4309 to the petitioner.

2.The petitioner claims to be the owner of the vehicle bearing registration No.TN-66-D-4309, which was seized by the respondent Police in Crime No.556 of 2020 for the offence under Section 9(B)(1)(b) of Explosive Act. The petitioner has filed a petition in Cr.M.P.No.1956 of 2020 before the learned Judicial Magistrate No.I, Virudhunagar 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 petitioner is not an accused in the case. All the cases alleged by



the respondent are only against the husband of the petitioner and not against the petitioner. The vehicle was seized on 07.09.2020 and is kept in open space before the Police Station. Now as it is rainy season, if the vehicle is kept open, the value of the vehicle will be deteriorated and prays the vehicle to be returned to the petitioner.

4.On the side of the respondent, it is stated that the husband of the petitioner is illegally involved in transporting explosive substance. There are nine previous cases wherein the husband of the petitioner is an accused. Even though the petitioner is having the knowledge that her vehicle will be used for illegal purpose, she has allowed her husband to use the same for committing the offence. The alleged vehicle was already involved in another case in Crime No.461 of 2020 for commission of similar offence and prays the petition to be dismissed.

5.On the side of the petitioner, it is stated that the vehicle was used only for transporting dross fire thread and undertakes not to use the vehicle for commission of similar offence again.

6.It is seen that the husband of the petitioner involved in nine similar case earlier. But the petitioner is not the accused in any of the case including the present case. If the vehicle is kept in the open space, the value of the vehicle will be reduced. In the above circumstances, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate No.I, Virudhunagar in Cr.M.P.No.1956 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 No.I, Virudhunagar ;

(ii)The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.556 of 2020 on the file of the learned Judicial Magistrate No.I, Virudhunagar 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 Judicial Magistrate No.I, Virudhunagar.

(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-I,
Virudhunagar.
- 2.-do Thro'
The Chief Judicial Magistrate,
Srivilliputhur,
Virudhunagar District.
- 3.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-22890[F] dated 26/11/2020)

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NR (03/12/2020) 3P : 6C

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