



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 03.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.621 of 2020

WEB COPY

Paramasivam

.. Petitioner

Vs.

State rep. by,
The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
(Crime No.578 of 2020)

.. Respondent

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.2026 of 2020 on the file of the learned Judicial Magistrate No.I, Virudhunagar dated 23.10.2020 and to set aside the same by allowing the revision petition.

For Petitioner	: Mr.R.Pon Karthikeyan
For Respondent	: Mr.A.Saravanakumar Government Advocate

ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.2026 of 2020 dated 23.10.2020, on the file of the learned Judicial Magistrate No.I, Virudhunagar to grant interim custody of vehicle bearing Registration No.TN-67-BK-5792 to the petitioner.

2.The petitioner claims to be the owner of the Maruthi Suzuki EECO Star Car bearing registration No.TN-67-BK-5792, which was seized by the respondent Police in Crime No.578 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.2026 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 car is kept in open space. 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 petitioner is the accused in the case. The vehicle was involved in



involved in nine other previous cases. 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. On the side of the petitioner, it is stated that the vehicle was used only for transporting cross fire thread and undertakes not to use the vehicle for commission of similar offence again.

6. It is seen that the vehicle was seized by the respondent police on 24.09.2020. 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.2026 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.578 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.

Sd/-

Assistant Registrar (CS-II)

// 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.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.R.PON KARTHIKEYAN, Advocate (SR-24071[F] dated
04/12/2020)

Crl. R.C.(MD)No.621 of 2020
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AC(CO)
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