



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 20.11.2020
CORAM

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

CrI. R.C.(MD)No.633 of 2020

S. Latha

.. Petitioner

Vs.

State through
Forest Officer,
Forest Police Station,
Toothukudi.
(O.R. No.5 of 2020)

.. Respondent

Prayer : This criminal revision case is filed under Section 397 r/w. Section 401 of Cr.P.C., to Set aside the order passed by the Judicial Magistrate in Cr.M.P.No. 439/2020, dated 22.07.2020 on the file of the learned Judicial Magistrate, Vilathikkulam, Tuticorin District and direct the respondent to return the YAMAHA FZS GOLD CYON bearing Registration No.TN 69 BD 5469 to the revision petitioner which is seized in O.R.No.05/2020 on the file of the respondent.

For Petitioner : Mr.KA. Raamakrishnan

For Respondents : Mr. S. Chandrasekar
Additional Public Prosecutor.

ORDER

This Criminal Revision Case has been filed to set aside the order passed by the Judicial Magistrate in Cr.M.P.No.439/2020, dated 22.07.2020 on the file of the learned Judicial Magistrate, Vilathikkulam, Tuticorin District and direct the respondent to return the YAMAHA FZS GOLD CYON bearing Registration No.TN 69 BD 5469 to the revision petitioner which is seized in O.R.No.05/2020 on the file of the respondent.

2. Heard both sides.

3.The vehicle of the petitioner was seized in a case in W.L.C.No.5 of 2020, under Section 2(16)9, 36(1) (a) (b) (d), 39(3) (a)(b)(c), 50, 51(1) Schedule I Part II of Wild Life Protection Act. The petitioner filed a petition for return of the vehicle before the learned Judicial Magistrate, Vilathikkulam, Tuticorin District and the learned Judicial Magistrate dismissed that



petition. Against the order of dismissal, the petitioner has come forward with this Criminal Revision Case.

4. On the side of the petitioner, it is stated that the petitioner is the owner of the vehicle. It is further stated that if the said vehicle is kept in the open place going to be rusted and the petitioner is ready to obey any conditions imposed by this Court and prayed that the petition to be allowed.

5. On the side of the prosecution, it is stated that the vehicle was involved in an offence under the Wild Life Protection Act and he strongly objected to the return of the vehicle to the petitioner.

6. In any event, as the vehicle is under the custody of the respondent having been seized on 24.05.2020 and considering the fact that if the same is allowed to be kept idle by exposing the same to sun and rain, it would certainly diminish its value. Hence, this Court is inclined to allow the petition.

7. Accordingly, this Criminal Revision Case is allowed and the order passed by the learned Judicial Magistrate, Vilathikkulam, Tuticorin District in Cr.M.P.No.439 of 2020, dated 22.07.2020 is set aside and the vehicle is ordered to be returned to the petitioner for interim custody subject to the confiscation proceedings on the following conditions:-

- (i) The petitioner shall produce the documents before the learned Judicial Magistrate, Vilathikkulam, Tuticorin District to establish the ownership of the vehicle in question.
- (ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of W.L.C.No.5 of 2020 on the file of the learned Judicial Magistrate, Vilathikkulam, Tuticorin District, within a period of four weeks from the date of receipt of a copy of this order;
- (iii) The petitioner shall give an undertaking that he will not use the vehicle for any illegal activities in future and shall produce the same as and when required by the Court below and respondent.



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(iv) On doing so, the vehicle in question shall be returned to the petitioner.

(v) The petitioner shall not alienate the vehicle in question till the disposal of the proceedings before the Court concerned.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

trp

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, Vilathikkulam, Tuticorin District
- 2.-do-Thro The Chief Judicial Magistrate, Thoothukudi District.
3. The Forest Officer, Forest Police Station, Toothukudi.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

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