



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 08.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.663 of 2020

G.Nagarajan

.. Petitioner

Vs.

The Inspector of Police,
Town Police Station,
Pudukkottai Town and District,
Pudukkottai.
(Crime No.1386 of 2020)

.. Respondent

Prayer : This criminal revision case filed under Section 397 r/w 401 of Cr.P.C., to set aside the order dated 02.11.2020 made in Crl.M.P.No.1792 of 2020 on the file of the Judicial Magistrate No.I, Pudukkottai.

For Petitioner	: Mr.B.Karuppasamy
For Respondent	: Mr.S.Chandrasekar
	Additional Public Prosecutor

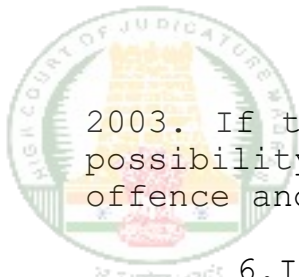
ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.1792 of 2020 dated 02.11.2020, on the file of the learned Judicial Magistrate No.I, Pudukkottai to grant interim custody of vehicle bearing Registration No.TN-55-AU-4863 to the petitioner.

2.The petitioner claims to be the owner of the OMNI Car bearing registration No.TN-55-AU-4863, which was seized by the respondent Police in Crime No.1386 of 2020 for the offence under Sections 273 and 328 of IPC and Sections 6(a) and 24(1) of Cigarette and Other Tobacco Products Act, 2003. The petitioner has filed a petition in Cr.M.P.No.1792 of 2020 before the learned Judicial Magistrate No.I, Pudukkottai 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 was seized by the police on 12.10.2020 and kept the vehicle in open space. There is possibility for the vehicle to be damaged, due to the exposure to rain and prays the vehicle to be returned to the petitioner.

4.On the side of the respondent, it is stated that the vehicle was seized with tobacco without any license or permission. The case in Crime No.1386 of 2020 was registered against the petitioner for the offence under Sections 273 and 328 of IPC and Sections 6(a) and 24(1) of Cigarette and Other Tobacco Products Act,



2003. 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.

6. It is seen that the R.C. Book is in the name of the petitioner. The petitioner is A2 in the case. Though the petitioner is an accused in the case, no purpose will be served in keeping the vehicle idle in the open space. Hence, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate No.I, Pudukkottai in Cr.M.P.No.1792 of 2020 is set aside and the learned Judge 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, Pudukkottai ;

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.1386 of 2020 on the file of the learned Judicial Magistrate No.I, Pudukkottai 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.3,00,000/- (Rupees Three Lakhs only) with two sureties, each for a like sum to the satisfaction of the learned learned Judicial Magistrate No.I, Pudukkottai ;

(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-III)

// 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.1,
Pudukottai.

2.The Inspector of Police,
Town Police Station,
Pudukkottai Town and District ,
Pudukkottai.

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

Crl. R.C. (MD) No.663 of 2020
08.12.2020

SS (CO)

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