



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 16.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C.(MD)No.685 of 2020

Muthukumaran

.. Petitioner

Vs.

The State rep. By,
The Sub Inspector of Police,
Thiruchendur Police Station,
Thiruchendur.
(Crime No.359 of 2019)

.. Respondent

Prayer : This criminal revision case is filed under Sections 397 & 401 of Cr.P.C., to call for the records of the impugned order made in Cr.M.P.No.1448 of 2020 dated 13.03.2020 by the learned Judicial Magistrate, Thiruchendur and to set aside the same and direct the learned Judicial Magistrate, Thiruchendur to release the petitioner's vehicle by branding name CT-100 of Bajaj company bearing registration No.TN-92-D-0264.

For Petitioner	: Mr.V.Angusamy
For Respondent	: Mrs.S.Bharathi
	Government Advocate

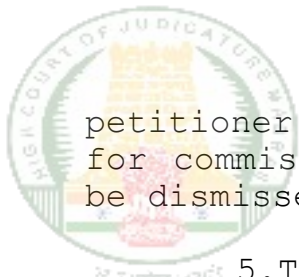
ORDER

This petition has been filed to set aside the order passed in Cr.M.P.No.1448 of 2020 dated 13.03.2020, on the file of the learned Judicial Magistrate, Thiruchendur to grant interim custody of two wheeler bearing Registration No.TN-92-D-0264 to the petitioner.

2.The petitioner claims to be the owner of the two wheeler bearing registration No.TN-92-D-0264, which was seized by the respondent Police in Crime No.359 of 2019 for the offence under Sections 429 of IPC, Section 25(1)(a) of the Arms Act, 1959 and Section 11(1)(a) of Prevention of Cruelty to Animals Act. The petitioner has filed a petition in Cr.M.P.No.1448 of 2020 before the learned Judicial Magistrate, Thiruchendur 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 if the vehicle is kept open, the value of the vehicle will be deteriorated by exposure to the climatic condition and prayed the vehicle to be returned to the petitioner.

4.On the side of the respondent, it is stated that the offence under Arms Act is serious in nature. The petitioner and others shot a bull with a gun and removed the flesh of the bull from the leg portion for sales. If the vehicle is returned to the



petitioner again, there is possibility for the vehicle being used for commission of similar offence again and prayed the petition to be dismissed.

5.The allegation against the petitioner is serious in nature. But there is no use in keeping the vehicle idle in open space exposing to the climatic condition.

6.In view of the same, this Criminal Revision Case is allowed and the order of the learned Judicial Magistrate, Thiruchendur in Cr.M.P.No.1448 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, Thiruchendur ;

(ii)The petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.359 of 2019 on the file of the learned Judicial Magistrate, Thiruchendur 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.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruchendur ;

(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 (CO)

// 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, Thiruchendur.

2.The Sub Inspector of Police,
Thiruchendur Police Station,
Thiruchendur.

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

Crl. R.C. (MD) No.685 of 2020
16.12.2020

KUN (CO)

KB (22.12.2020) 3P 4C