



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.02.2020**

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Cr1.R.C(MD)No.835 of 2019

P.M.Abdul Naseer

...Petitioner

Vs.

1.K.Sathiya Kumar

Motor Vehicle Inspector (Grade - I)
Regional Transport Office,
Marthandam,
Kanyakumari District.

2.The Inspector of Police,
Puthukkadai Police Station,
Puthukkadai,
Kanyakumari District.

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order dated 30.10.2019 passed in Cr.M.P.No.3508 of 2019 on the file of the Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District and return the vehicle viz, TOYOTO FORTUNER bearing Registration No.KL-47-C-4777 to the petitioner herein.

For Petitioner	: Mr.A.Thiruvadi Kumar
For Respondents	: Mr.R.Anandha Raj
	Additional Public Prosecutor

O R D E R

The petitioner claims to be the owner of the Toyota Fortuner Car, bearing Registration No.KL-47-C-4777. According to the petitioner, the alleged vehicle was seized by the 1st respondent on 28.09.2019 and he prepared an inspection report and the same was produced before the Regional Transport Officer to proceed further. The vehicle of the petitioner was handed over to the 2nd respondent. The 2nd respondent police herein laid charge sheet before the learned Judicial Magistrate No.2, Kuzhithurai and the same was taken on file in S.T.C.No.348 of 2019 under Section 7, 113 r/w Section 177 of M.V.Act and Section 411 of M.V.Rules. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, for interim custody. The learned Magistrate, by order dated 30.10.2019 has dismissed the petition. In compliance of the said order, the petitioner is before this



Court with this petition.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. On consideration of the documentary evidence, the Trial Court has dismissed the petition seeking to release the vehicle filed by the petitioner. Further, it is well settled that during the pendency of confiscation proceedings, the vehicle needs to be returned to the person, who is entitled to have. This return will have no impact on the confiscation proceeding, as the confiscation proceeding is an independent proceeding.

4. In view of the above, this Criminal Revision is allowed and the order of the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, in Cr.M.P.No.3508 of 2019, dated 30.10.2019, is set aside and the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, is directed to return the vehicle to the petitioner subject to the confiscation proceedings on the following conditions:-

(a) The petitioner shall produce the original Registration Certificate of the vehicle;

(b) The petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy five thousand only) to the credit of S.T.C.No.348 of 2019 on the file of the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, within a period of one week from the date of receipt of a copy of this order;

(c) The petitioner shall not make any alteration of the vehicle;

(d) The petitioner shall produce the same before the Court on the first working day of every month until final order is passed in the confiscation proceedings.

5. The Authority under the Tamil Nadu Prohibition Act may proceed with the confiscation proceedings and the petitioner shall obey any order that may be passed in the said proceeding by the authority.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd



To

1.The Judicial Magistrate No.II,
Kuzhithurai, Kanyakumari District.

2.The Inspector of Police,
Puthukkadai Police Station,
Puthukkadai, Kanyakumari District.

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

+1 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-5312[F] dated
07/02/2020)

Cr1.R.C(MD)No.835 of 2019

KMV(CO)

TR(18.02.2020) 3P 5C