



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **10.01.2020**
CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.R.C(MD)No.967 of 2019

Sri Ram ... Petitioner

Vs.

The Sub Inspector of Police,
Balamedu Police Station,
Madurai.

... Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order passed by the Judicial Magistrate Court, Vadipatti in Cr.M.P.No.5225 of 2019, dated 26.11.2019 and allow this petition.

For Revision Petitioner : Mr.M.Iniyavan

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

O R D E R

The petitioner claims to be the owner of the Royal Enfield Bike, bearing Registration No.TN-64-J-3060. According to the petitioner, the alleged vehicle was seized by the respondent police on 14.03.2019 and registered the case in Crime No.34 of 2019 for the offence under Sections 25(1)(a) and 5 of Arms Act and Sections 147, 148, 307, 341 and 353 of IPC. Seeking return of the said vehicle, the petitioner filed a petition before the learned Judicial Magistrate, Vadipatti, for interim custody. The learned Magistrate, by order dated 26.11.2019 has dismissed the same. Challenging 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.Mr.A.P.G.Ohm Chairma Prabhu, learned Government Advocate (Crl.side) has strongly opposed to return the bike.

4.On consideration of the documentary evidence, the trial Court has dismissed the petition seeking to release the vehicle filed by the petitioner. 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.



5. In view of the above, this Criminal Revision is allowed and the order of the learned Judicial Magistrate Vadipatti, in Cr.M.P.No.5225 of 2019, dated 26.11.2019, is set aside and the learned Magistrate, is directed to return the vehicle to the petitioner 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.20,000/- (Rupees Twenty thousand only) to the credit of Crime No.34 of 2019 on the file of the learned Judicial Magistrate Vadipatti, 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 as and when required until final order is passed in the confiscation proceedings.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Vsd

To

1. The Judicial Magistrate, Vadipatti.

2. The Sub Inspector of Police,
Balamedu Police Station,
Madurai.

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

+1 CC to Mr.M.INIYAVAN, Advocate (SR-1536[F] dated 10/01/2020)

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MK (07.02.2020) 2P 5C