



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.425 of 2021

Manikandan

... Petitioner

Versus

State By

The Inspector of Police,
F3 - Arumbakkam Police Station,
Thiruvallur District.
(Crime No.459 of 2021)

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Criminal Procedure Code, to call for the records and to set aside the order passed by the learned District Munsif Cum Judicial Magistrate, Gummidipoondi, Thiruvallur District made in C.M.P. No. 629 of 2021 and to direct the learned Judicial Magistrate to return the MARUTI SWIFT car bearing Registration No. TN-18-P-3666 seized by the respondent police in Crime No.459 of 2021, on the file of the Inspector of Police, F3 - Arumbakkam Police Station, Thiruvallur District to the custody of the petitioner herein.

For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.S.Sugendran
Government Advocate (Crl.Side)

O R D E R

This Criminal Revision Case has been filed, seeking a direction to set aside the dismissal order in C.M.P.No.629 of 2021, dated 05.07.2021 passed by the learned District Munsif Cum Judicial Magistrate, Gummidipoondi and for a consequential direction to return the MARUTI SWIFT car bearing Registration No.TN-18-P-3666 to the petitioner, which was seized by the respondent police in Crime No.459 of 2021, on the file of the Inspector of Police, F3 - Arumbakkam Police Station, Thiruvallur District.

2.The petitioner/accused claims to be the owner of the vehicle viz., MARUTI SWIFT car bearing Registration No.TN-18-P-



3666, Maruti Suzuki VDI (White Colour) having Engine No.D13A0343651 and Chassis No.MA3FHEB1S00364214. He had filed a petition, under Section 451 & 457 of Cr.P.C., in Crl.M.P.No.629 of 2021 for releasing the said four wheeler vehicle, which was seized in connection with Crime No.459 of 2021. The learned District Munsif Cum Judicial Magistrate, Gummidipoondi, by an order, dated 05.07.2021 dismissed the petition, against which, the present Criminal Revision Case is filed before this Court.

3.The case of the prosecution is that on 10.06.2021, when the respondent/police was on patrol duty, at Elavoor, they intercepted the MARUTI SWIFT car bearing Registration No.TN-18-P-3666, at about 09.00 a.m., and interrogated the petitioner. On suspicion, they searched the vehicle and found one item of Supreme Blend, 180 ml, of 64 Andhra State Bottles. Therefore, the respondent Police registered a case in Crime No.459 of 2021, for offence under Section 4(i)(a) of Tamil Nadu Prohibition, Act, 1937 and seized the above said vehicle. Thereafter, the petitioner filed a petition before the learned District Munsif Cum Judicial Magistrate, Gummidipoondi in Crl.M.P.No.629 of 2021 under Section 451 & 457 of Cr.P.C., to direct the respondent/police to release the above said Car and the same was dismissed. Hence, the present case.

4.The learned counsel for the petitioner submitted that already this Court has passed an order in Crl.R.C.No.74 of 2021, dated 12.02.2021, for return of one vehicle, which has been seized on the very same occurrence and accordingly the said vehicle has also been released. Therefore, there cannot be any discrimination in directing to release the vehicle of the petitioner and therefore he prayed to set aside the order passed by the Court below.

5.The learned Government Advocate (Crl.side) would submit that already show cause notice was issued to the petitioner and confiscation proceedings is yet to be taken up. Therefore, the learned Government Advocate prayed for dismissal of the petitioner with a direction to the petitioner to await the outcome of the confiscation proceedings.

6.This Court considered the rival submissions and perused the materials available on record.

7.On a perusal of records, it is seen that the case was registered in Crime No.459 of 2021 and the vehicle was seized. Pending investigation, the petitioner filed a petition for releasing his vehicle, however, the same was dismissed by the Court below. Considering the facts and circumstances of the case and that the vehicle is kept in the open space and exposed to heat, rain and dust, this Court directs the learned District



Munsif Cum Judicial Magistrate, Gummidipoondi, to return the vehicle MARUTI SWIFT car bearing Registration No.TN-18-P-3666, to the petitioner, on the following conditions:-

(i)The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership and the learned Magistrate, on perusal of the RC book and other records, retaining the Xerox copy of the same, shall return the original documents to the petitioner with a view to use the vehicle;

(ii)The petitioner shall not alter or alienate the vehicle in any manner till adjudication is over;

(iii)The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), as non-refundable deposit through RGS/NEFT in favour of to the Joint Secretary & Treasurer, Chief Minister's Public Relief Fund, Finance (CMPRF) Department, Government of Tamil Nadu, Secretariat, Chennai 600 009, Tamil Nadu, India, e-mail: jscmprf@tn.gov.in or by Electronic Clearing System (ECS) to Indian Overseas Bank, Secretariat Branch, Chennai 600 009, S.B.Account No.11720 10000 00070, IFS Code IOBA0001172, CMPRF PAN: AAAGC0038F and on such payment and production of proof, the vehicle shall be returned;

(iv)The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent or the Court below as well as by the District Collector of the District or authorized officer in that behalf by the Government;

(v)The petitioner shall participate in the confiscation proceedings, if any initiated, and shall produce the vehicle, before the confiscation authority. This order is passed subject to the outcome of the confiscation proceedings.

8.With the above observations and directions, the Criminal Revision Case is allowed by setting aside the order passed in C.M.P.No.629 of 2021, dated 05.07.2021 by the learned District Munsif Cum Judicial Magistrate, Gummidipoondi.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

klt



To

1. The learned District Munsif Cum Judicial Magistrate,
Gummidipoondi.

2. The Joint Secretary & Treasurer,
Chief Minister's Public Relief Fund,
Finance (CMPRF) Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

3. The Inspector of Police,
F3 - Arumbakkam Police Station,
Thiruvallur District.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Sasikumar, Advocate SR No.34827

Crl. R.C. No.425 of 2021

UM (CO)
PR (24/08/2021)