



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.430 of 2021

R.Raghu Raj

... Petitioner

Versus

State rep.by

The Inspector of Police,

PEW - Gummidipoondi P.S.

(Crime No.311 of 2021)

... Respondent

Criminal Revision Case filed under Section 397 read with 401 Criminal Procedure Code, to set aside the order dated 29.06.2021 passed by the learned District Munsif Cum Judicial Magistrate, Gummidipoondi in C.M.P.No.622 of 2021 and direct the respondent to return Ford Eco sport Titanium Car bearing Registration No.TN-05-CA-3660.

For Petitioner : Mr.M.Mohamed Riyas

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 order dated 29.06.2021 passed by the learned District Munsif Cum Judicial Magistrate, Gummidipoondi in C.M.P.No.622 of 2021 and direct the respondent to return the vehicle - Ford Eco sport Titanium Car bearing Registration No.TN-05-CA-3660 to the petitioner.

2.The petitioner/accused is the owner of the vehicle viz., Ford India Pvt Ltd., car bearing Registration No.TN-05-CA-3660, Model: Ecosport 1.5(D) Titanium (Race Red Colour) having Engine No.LD35375 and Chassis No.MAJAXXMRKALD35375. He had filed a petition, under Section 451 & 457 of Cr.P.C., in Crl.M.P.No.622 of 2021 for releasing the said four wheeler vehicle, which was seized in connection with Crime No.311 of 2021. The learned District Munsif Cum Judicial Magistrate, Gummidipoondi, by an order, dated 29.06.2021 dismissed the petition, against which, the present Criminal Revision Case is filed before this Court.

3.The case of the prosecution is that on 31.05.2021, when



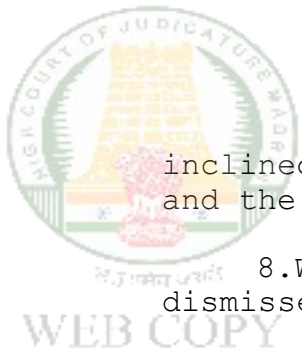
the respondent/police was on patrol duty, at Ellavur, they intercepted the Ford Eco sport Titanium car bearing Registration No.TN-05-CA-3660, at about 04.00 p.m., and interrogated the petitioner. They found that without having any valid license or authority, the petitioner was in possession of Item No.1, 9 Sea horse Whisky - 180 ml = 13 bottles; Item No.2, Champior Whisky 180 ml = 11 bottles; Item No.3, Malabar House brandy - 180 ml = 9 bottles; Item No.4, Royal simha whisky 180 ml = 10 bottles; Item No.5, Boom stay beer 650 ml = 4 bottles, Totally 47 bottles and the same were seized by the respondent/police. Thereafter, the respondent Police registered a case in Crime No.311 of 2021, for offence under Section 4(i) (a) of Tamil Nadu Prohibition, Act, 1937. The petitioner therefore filed the petition before the learned District Munsif Cum Judicial Magistrate, Gummidipoondi in Crl.M.P.No.622 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.

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 in connection with the very same occurrence and accordingly the said vehicle has also been released. There cannot be any discrimination in releasing the vehicle of the petitioner in this case and therefore he prayed to set aside the order passed by the learned District Munsif Cum Judicial Magistrate, Gummidipoondi.

5.The learned Government Advocate (Crl.side) would submit that since the investigation is pending and charge sheet is not yet filed, the release of the above said vehicle, during the pendency of the investigation, would lead to repeat similar offences and possibility of disposing the vehicle, which will affect the investigation, and possibility of changing the engine and chassis. Therefore, he prayed for dismissal of the Criminal Revision Case.

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

7.Considering the facts and circumstances of the case, and the submission made by the learned Government Advocate (crl.side), it is seen that during the investigation, the petitioner filed a petition for releasing his vehicle, however, the same was dismissed by the Court below. Pending investigation, passing of order interim custody of the vehicle is purely discretionary power of the Trial Court. Since this Court does not find any arbitrariness in dismissing the petition for return of property at this stage. Hence, this Court is not



inclined to interfere with the order passed by the Court below and the Criminal Revision Case is liable to be dismissed.

8. With the above observations, the Criminal Revision Case is dismissed.

Sd/-  
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

klt

To

1. The learned District Munsif Cum Judicial Magistrate,  
Gummidipoondi.
2. The Inspector of Police,  
PEW - Gummidipoondi P.S.
3. The Public Prosecutor,  
High Court, Madras.

Crl. R.C. No.430 of 2021

UM(CO)  
SB(23/08/2021)