



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.444 of 2021

Ajman Kaleem Ahmed

... Petitioner/Sole Accused

Versus

State rep.by

The Inspector of Police,
F3, Arambakkam Police Station,
Tiruvallur District,
Crime No.441 of 2021.

... Respondent/Complainant

Criminal Revision Case filed under Section 397 read with 401 Criminal Procedure Code, to call for the records and set aside the order dated 02.07.2021 passed by the District Munsif-cum-Judicial Magistrate, Gummidipoondi in C.M.P.No.628 of 2021 and to return Maruti Dzire Car bearing registration No.TN-01-BD-0430 to the custody of the petitioner.

For Petitioner : Mr.K.Balasubramaniam

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

O R D E R

This Criminal Revision Case has been filed against the order dated 02.07.2021 passed in C.M.P.No.628 of 2021 by the learned District Munsif-cum-Judicial Magistrate, Gummidipoondi.

2.It is the case of the petitioner that the respondent police registered a case in Crime No.441 of 2021 against the petitioner for the offence under Section 4(1) (a) of Tamil Nadu Prohibition Act and seized the vehicle viz., Maruti Dzire Car bearing registration No.TN-01-BD-0430. The petitioner filed a petition under Section 451 and 457 Cr.P.C in Crl.M.P.No.632 of 2021 seeking interim custody of the vehicle. The learned District Munsif-cum-Judicial Magistrate, Gummidipoondi by an order dated 02.07.2021 dismissed the petition, against which, the present Criminal Revision Case is filed before this Court.



3.The case of the prosecution is that on 07.06.2021 at 11.00 a.m. when the respondent/police checking the vehicles at Elavoor Bazaar they intercepted the Maruti Dzire Car bearing registration No.TN-01-BD-0430 and interrogated the petitioner. On suspicion, they searched the vehicle and found 28 bottles of I.D.Arrack and hence, the case in Crime No.441 of 2021 was registered against the petitioner for offence under Section 4(1) (a) of Tamil Nadu Prohibition, Act, 1937 and seized the above said vehicle.

4.The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and he is in no way connected with the alleged offence. Therefore, he seeks interim custody of the said vehicle and that the petitioner would abide by stringent conditions, if any, to be imposed on him.

5.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that since the petitioner was alleged to have used the said vehicle for illegal transportation of liquor bottles, show cause notice was issued to the petitioner and confiscation proceedings initiated and hence, the vehicle in question cannot be released at this stage.

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 respondent police registered the case in Crime No.441 of 2021 against the petitioner for the offence under Section 4(1) (a) of Tamil Nadu Prohibition, Act, 1937 and also seized the vehicle. Pending investigation, the petitioner filed a petition for interim custody of the 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 viz., Maruti Dzire Car bearing registration No.TN-01-BD-0430, 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 confiscation proceedings is over;



(iii)The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), as non-refundable deposit through RTGS/NEFT in favour of 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 subjected to the confiscation proceedings.

8.With the above directions, the Criminal Revision Case is allowed by setting aside the order passed in CrI.M.P.No.628 of 2021, dated 02.07.2021 by the learned District Munsif-cum-Judicial Magistrate, Gummidipoondi.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Munsif-cum-Judicial Magistrate,
Gummidipoondi.
- 2.The Inspector of Police,
F3, Arambakkam Police Station,
Tiruvallur District.
Crime No.441/2021.
- 3.The Public Prosecutor,
High Court, Madras.



Copy to

The Joint Secretary & Treasurer,
Chief Ministers Public Relief Fund,
Finance (CMPRF) Dept,
Government of Tamil Nadu,
Secretariat, Chennai-9.

+1cc to Mr.K.Balasubramaniam, Advocate SR No.36867

Cr1.R.C.No.444 of 2021

MG (CO)
PR (19/08/2021)