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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM:

THE HON'BLE MR. JUSTICE P.VELMURUGAN

CRIMINAL REVISION CASE NO.456 OF 2021

Raghu

...Petitioner / Petitioner

Versus

State represented by
The Inspector of Police,
Sankar Nagar Police Station,
Chennai District,
Crime No.300 of 2021.

...Respondent / Respondent

Criminal Revision Case filed under Section 397 read with 401 Criminal Procedure Code, to set aside the order dated 30.06.2021 made in C.M.P.No.685 of 2021 on the file of the learned Judicial Magistrate No.2, Tambaram and allow the Criminal Revision Petition.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.S.Sugendran
Government Advocate (Cr1.Side)

O R D E R

This Criminal Revision Case has been filed against the order dated 30.06.2021 passed in C.M.P.No.685 of 2021 by the learned Judicial Magistrate No.2, Tambaram.

2.It is the case of the petitioner that he is the owner of the vehicle bearing Registration No.TN 04 D 0016 (Ashok Leyland Lorry) and the same was seized by the respondent police for the offence under Sections 277 and 278 IPC. The petitioner filed a petition under Section 451 r/w 457 Cr.P.C in



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C.M.P.No.685 of 2021 seeking interim custody of the vehicle. The learned Judicial Magistrate No.II, Tambaram by an order, dated 30.06.2021 dismissed the petition, against which, the present Criminal Revision Case is filed before this Court.

3.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. The offence was committed by the driver of the vehicle. Therefore, the petitioner seeks interim custody of the said vehicle and that he would abide by stringent conditions, if any, to be imposed on him.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was alleged to have used the said vehicle for illegal transportation of Sewage Water into the Polichalur river without any valid licence or permit and that the vehicle in question was already involved in similar kind of offence. He would further submit in the present case confiscation proceedings initiated and hence, the vehicle in question cannot be released at this stage.

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

6.On a perusal of records, it is seen that the respondent police registered the case in Crime No.300 of 2021 against the petitioner for the offence under Sections 277 and 278 IPC 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.

7.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 and this Court directs the learned Judicial Magistrate No.II, Tambaram to return the vehicle bearing Registration No.TN 04 D 0016 (Ashok Leyland Lorry) 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.1,00,000/- (Rupees One lakh 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.

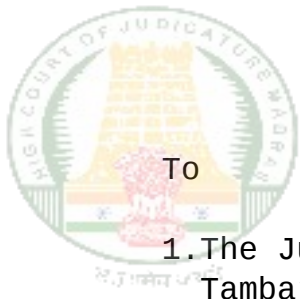
8.With the above directions, the Criminal Revision Case is allowed by setting aside the order passed in C.M.P.No.685 of 2021, dated 30.06.2021 by the learned Judicial Magistrate No.II, Tambaram.

Sd/-
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.II,
Tambaram.

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2.The Inspector of Police,
Sankar Nagar Police Station,
Chennai District.

3.The Public Prosecutor,
High Court, Madras.

Copy To :

4.The Joint Secretary & Treasurer,
Chief Minister's Public Relief Fund,
Finance (CMPRF) Department,
Government of Tamil Nadu,
Secretariat, Chennai-9.

5.The Manager,
Indian Overseas Bank,
Secretariat Branch,
Chennai - 9.

+1cc M/s.P.Chandra Sekar, Advocate SR.No.39250

Cr1.R.C.No.456 of 2021

SR-II(CO)
RVM(27/08/2021)