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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRIMINAL REVISION CASE NO.496 OF 2021

Uma mageshwari

... Petitioner/Petitioner

Versus

State Rep. by
The Inspector of Police,
Vengal Police Station,
Thiruvallur District,
Crime No.1338 of 2020.

... Respondent/Respondent

PRAYER:-

Criminal Revision Case filed under Section 397 R/W 401 of Criminal Procedure Code, to set aside the order dated 27.01.2021 made in C.M.P.No.465 of 2021 on the file of the Judicial Magistrate No.1, Thiruvallur.

For Petitioner : Mr.P.Chandra Sekar

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

This Criminal Revision Case has been filed against the order dated 27.01.2021 passed in Crl.M.P.No.465 of 2021 by the learned Judicial Magistrate No.I, Tiruvallur.

2. It is the case of the petitioner that the respondent police registered a case in Crime No.1338 of 2020 against the husband of the petitioner for the offence under Sections 4(1) (a) of Tamil Nadu Prohibition Act and also seized the vehicle viz., Mini Lorry DOST bearing Reg.No.TN-18-AP-2899. Therefore, the petitioner who is the owner of the said vehicle had filed a



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petition under Section 451 and 457 Cr.P.C in Crl.M.P.No.465 of 2021 for return of vehicle. The learned Judicial Magistrate No.I Tiruvallur, by order dated 27.01.2021, dismissed the petition, against which, the present Criminal Revision Case is filed before this Court.

3. The case of the prosecution is that on 18.06.2020 the respondent/police were patrolling near Vengal Village and when they intercepted the Mini Lorry DOST bearing Reg.No.TN-18-AP-2899, they found 48 nos. of 650 Ml SNJ Beer Bottles without any valid permit from the Government. Hence the case in Crime No.1338 of 2020 was registered.

4. The learned counsel for the petitioner would submit that the petitioner is the owner of the vehicle and she is in no way connected with the alleged offence. He would further submit that the vehicle is in exposure of sun light in a open space and thereby, he filed a petition in Crl.M.P.No.465 of 2021 before the Judicial Magistrate No.I Tiruvallur, seeking for return of vehicle and the learned Magistrate without considering the fact, simply dismissed the petition by order dated 27.01.2021. Therefore, the present revision has been filed before this Court seeking interim custody of the said vehicle and that she would abide by stringent conditions, if any, to be imposed on her..

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the said vehicle has been used for illegal transportation of 48 nos. of 650 Ml Beer bottles. He would further submit that the confiscation proceedings has been 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 the records, it is seen that the respondent police registered the case in Crime No. 1338 of 2020 against one Saravanan for the offence under Sections 4(1) (a) of Tamil Nadu Prohibition Act and also seized the vehicle. Pending investigation, the petitioner who is the owner of the said vehicle, filed a petition for return of vehicle before the Court below however, the same was dismissed.

8. 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 Judicial Magistrate No.I, Tiruvallur, to return the vehicle namely Mini lorry DOST bearing Reg.No.TN-18-AP-2899, to the petitioner, on the following conditions:-



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(i)The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove her 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 she 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.

9. With the above directions, the Criminal Revision Case is allowed by setting aside the order dated 27.01.2021 passed in CrI.M.P.No.465 of 2021.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pbl/ksa-2



To

1. The Judicial Magistrate No.1,
Tiruvallur.
2. The Joint Secretary & Treasurer,
Chief Minister's Public Relief Fund,
Finance (CMPRF) Department,
Government of Tamil Nadu,
Secretariat, Chennai - 009.
3. The District Collector,
Thiruvalluar District.
4. The Inspector of Police,
Vengal Police Station,
Thiruvallur District.
5. The Public Prosecutor,
High Court, Madras.
6. The Manager,
Indian Overseas Bank,
Secretariat Branch,
Chennai - 600 009.

+1cc to Mr.P.Chandra Sekar, Advocate, S.R.No.41886

CRL.R.C.NO.496 OF 2021

AK-II (CO)
CT/01/09/2021