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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Criminal Revision Case No.599 of 2021

V.Priyanga

...Petitioner

Vs.

Inspector of Police
Kamanaickenpalayam Police Station
Coimbatore District
(Crime No.277 of 2021)

...Respondent

Criminal Revision Case filed under Section 397 read with 401 of Criminal Procedure Code, seeking to set aside the order passed in Crl.M.P.No.1941 of 2021 dated 01.07.2021 on the file of the learned Judicial Magistrate, Palladam, and direct the respondent to return the vehicle (PEARL ARCTIC WHITE CAR) bearing Reg.No.TN66AF3391 in Crime No.277 of 2021 on the file of the respondent.

For Petitioner : Mr.S.Ashik Ahamed for
Mr.V.Vargees Amal Raja

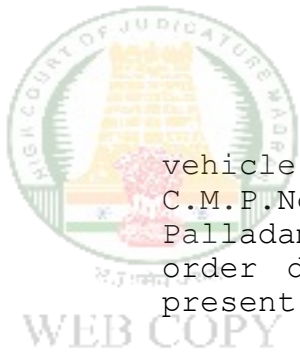
For Respondent : Mr.S.Sugendran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

This Criminal Revision Case has been filed against the order passed in Crl.M.P.No.1941 of 2021 dated 01.07.2021 on the file of the learned Judicial Magistrate, Palladam, and direct the respondent to return the vehicle bearing Regn.No.TN66 AF 3391.

2.It is the case of the petitioner that the respondent police registered a case in Crime No.277 of 2021 against the one Vijayaragavan for the offence under Section 4(1)(a) of Tamil Nadu Prohibition Act and also seized the vehicle viz., Maruthi Suzuki, Pearl Arctic White Car, having Engine No.K12MN2403286 and Chassis No.MA3EJKDIS00C66119, bearing Registration No.TN66 AF 3391. Therefore, the petitioner who is the owner of the said



vehicle filed a petition under Section 451 and 457 Cr.P.C in C.M.P.No.1941 of 2021 before the learned Judicial Magistrate, Palladam, for return of vehicle and the learned Magistrate by order dated 01.07.2021 dismissed the same. 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 the vehicle has been misused by the accused without her knowledge. He would further submit that the vehicle is under hypothecation before the Supreme Finance and since, the vehicle is kept in exposure of sun and rain in an open space, the condition of the vehicle is getting deteriorated day by day. Hence, she filed a petition in C.M.P.No.1941 of 2021 before the learned Judicial Magistrate, Palladam, for return of vehicle and the learned Magistrate without considering the fact, simply dismissed the petition by order dated 01.07.2021. Therefore, the present revision has been filed before this Court seeking interim custody of the said vehicle and that the petitioner is prepared to abide by stringent conditions, if any, to be imposed on her.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the said vehicle has been used for illegal transportation of liquor and if the vehicle is released at this stage, there is every possibility of tampering the engine and chassis number of the vehicle and thereby, the investigation would be defeated. Hence, he objects for release of the vehicle.

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

6.Considering the facts and circumstances of the case and that the vehicle is kept in the open space and exposed to natural calamities, this Court directs the learned Judicial Magistrate, Palladam, to return the vehicle namely "Maruthi Suzuki" bearing Registration No.TN66 AF 3391 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 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 are 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.

7. With the above directions, the Criminal Revision Case is allowed by setting aside the order dated 01.07.2021 passed in C.M.P.No.1941 of 2021 on the file of the learned Judicial Magistrate, Palladam.

Sd/-

Assistant Registrar(CS II)

/True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Palladam.
2. -do through- The Judicial Magistrate,
Tiruppur.
3. The Inspector of Police,
Kamanaickenpalayam Police Station,
Coimbatore District.



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

5. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.Vargees Amal Raja, Advocate Sr.No.51495

Cr1.R.C.No.599 of 2021

GPL[co]
NSK 22/10/2021